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Bureau of Land Management

Wyoming State Office

Cody Field Office

September 1999

Management for Bureau of Reclamation Withdrawn Lands Restored to Bureau of Land Management Jurisdiction in the Cody Field Office Planning Area



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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

1610 (020)

September 9, 1999

Dear Reader:

Attached for your review and comment is an Environmental Assessment (EA) and Finding of No Significant Impact for a planning review evaluating the future management of Federal lands, formerly withdrawn for Bureau of Reclamation purposes, that have been restored to Bureau of Land Management (BLM) jurisdiction.

This EA addresses four alternatives for managing about 150,000 acres of former Bureau of Reclamation (BOR) withdrawn lands in the Cody Field Office Planning Area, in north central Wyoming. The restored lands are primarily in the YU Bench and Chapman Bench areas of Wyoming's Bighorn Basin. The Preferred Alternative in the EA describes planning decisions for the future multiple-use management of the restored lands and represents a proposed amendment to the Cody Resource Management Plan (RMP) (BLM 1990). Based on the analysis summarized in the EA, it has been determined that the impacts are not expected to be significant and that an environmental impact statement is not needed. An open house for discussion of the EA and Preferred Alternative is scheduled for Tuesday, September 14, from 4 to 7 p.m., at the Cody BLM Field Office.

Reviewers will have 30 (thirty) days after the notice of availability (NOA) of this EA is published in the *Federal Register* to submit protests on the proposed decision (Preferred Alternative) as provided by 43 CFR 1610.5-2. All parts of the proposed decision may be protested. Protests shall be filed with the Director of the Bureau of Land Management, Attention: Ms. Brenda Williams, Protests Coordinator, WO-210/LS-1075, Department of the Interior, Washington, DC 20240.

The same 30-day time period will be allowed for commenting on the proposed decision, other elements of the EA, and the Finding of No Significant Impact; and a 60-day time period, beginning on the same date, will be allowed for review and comment on potential area of critical environmental concern (ACEC) designations (see 43 CFR 1610.7-2(b)). One such area relating to the

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ACRONYMS

Management For
Bureau of Reclamation Withdrawn Lands
Restored to
Bureau of Land Management Jurisdiction
in the Cody Field Office Planning Area

EA WY-020-EA9-126

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Cody Field Office
Cody, Wyoming

September 1999

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ACRONYMS

ACEC	area of critical environmental concern
AMP	allotment management plan
CFR	code of federal regulations
APD	application for permit to drill
BLM	U.S. Department of the Interior, Bureau of Land Management
BOR	U.S. Department of the Interior, Bureau of Reclamation
CRM	coordinated resource management
EA	environmental assessment
EIS	environmental impact statement
SRMA	special recreation management area
ERMA	extensive recreation management area
FLPMA	Federal Land Policy and Management Act of 1976
FWS	U.S. Department of the Interior, Fish and Wildlife Service
HMP	habitat management plan
NEPA	National Environmental Policy Act of 1969
NSO	no surface occupancy
POD	plan of development
POO	plan of operation
R&PP	recreation and public purposes act
RMP	resource management plan
ORV	off-road vehicle
VRM	visual resource management
WGFD	Wyoming Game and Fish Department
WHHMA	wild horse herd management area
WHMP	wild horse management plan
WMP	watershed management plan

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INTRODUCTION

Management for Bureau of Reclamation Withdrawn Lands Restored to Bureau of Land Management Jurisdiction in the Cody Field Office Planning Area EA WY-020-EA9-126

On November 5, 1998 and on July 6, 1999 the Secretary of the Interior revoked a number of obsolete Secretarial and Public Land orders affecting 153,762.85 acres within the Bureau of Land Management's Cody Field Office planning area. Public Land Orders 7370 and 7396, published in the Federal Register on November 5, 1998 and July 6, 1999 respectively, addressed lands previously withdrawn for the Bureau of Reclamation's Shoshone Reclamation Project. These lands are no longer in federal ownership (3,979.54 acres) or are federal lands that are no longer needed by the BOR. (The 3,979.54 acres had been conveyed out of federal ownership through past agricultural development and are included in the November and July revocation orders to clear the land records.)

The remaining 149,783.31 acres of federal land have been transferred to the BLM's jurisdiction. Of these lands, 1,882.09 acres already had overlapping BLM withdrawals which closed the lands to surface entry and mining under the public land laws. According to the November and July revocation orders, the 1,882.09 acres will remain closed to surface entry and mining. The rest, comprising 147,901.22 acres of federal land, are no longer withdrawn but are closed to surface entry and mining by virtue of the segregative effect of the former Bureau of Reclamation (BOR) withdrawals. According to the revocation orders, the 147,901.22 acres will continue to be closed until the BLM completes a planning review. This environmental assessment (EA) and proposed amendment to the Cody Resource Management Plan (RMP) documents the results of a planning review for all 149,783.31 acres of federal land. (Table 1.) These lands will be referred to as "restored" lands throughout this planning document.

Table 1			
Bureau of Reclamation Lands Affected by the Secretarial Withdrawal Revocations			
A	Federal land (acres) being transferred to the BLM's jurisdiction that are the subject of this planning review (restored lands). ¹ (B+C).		149,783.31
B	Total acres with overlapping BLM withdrawals which close the lands to surface entry and mining. These lands will remain closed.	1,882.09	
C	Total acres of federal land closed to surface entry and mining by virtue of the segregative effect of the former BOR withdrawals. These lands will remain closed pending the establishment of RMP decisions.	147,901.22	
D	Acreage previously conveyed out of federal ownership.		3,979.54
Total acres affected (A+D).			153,762.85

¹ Some of these restored lands may involve federal mineral ownership beneath privately-owned surface. In these cases, BLM's jurisdiction, and any proposed decisions in this EA, would only apply to BLM's approval of the federal mineral development and any related conditional requirements.

PLANNING PROCESS AND COMMENT PERIODS

On November 8, 1990 the Cody Resource Management Plan was signed for the Cody Planning Area, now administered by the Cody Field Office. The environmental impact statement (EIS) developed for the Cody RMP analyzed the environmental impacts of all existing and anticipated land uses within the field office boundaries. When the EIS was prepared, there was no differentiation made between the federal lands under BOR jurisdiction and the federal lands under BLM jurisdiction. Therefore, the BOR withdrawn lands were included in the impact analysis. However, the BLM did not include actual planning decisions for these lands in the Cody RMP because the BLM lacked jurisdiction to do so.

The Federal Land Policy and Management Act (FLPMA) requires the development of land use plans (such as RMPs) for the BLM-administered public lands. Accordingly, the former BOR-withdrawn lands that have been restored to the jurisdiction of the Cody Field Office must be incorporated into the Cody RMP and have planning decisions made for them. The majority of the lands are known locally as Chapman Bench and YU Bench. (See Maps 1 and 2 located at the back of this document.)

The initial focus of the planning review is to determine which of the restored lands have undergone sufficient National Environmental Policy Act (NEPA) analysis to adopt the existing Cody RMP decisions that would apply to them. These lands and their planning decisions will then be incorporated into the Cody RMP, thereby amending the RMP. The NEPA analyses documented in the environmental impact statement for the Cody RMP is being reviewed for this determination.

The restored lands are closed to surface entry and mining under the public land laws. Opening orders, to allow operation of the public land laws, including land sales and exchanges and the staking and development of mining claims, will not be published for 147,901.22 acres until the RMP decisions are in place. (As stated in Table 1, 1,882.09 acres will remain closed.) There is also a moratorium on leasing federal minerals, such as oil and gas, until RMP decisions are established with appropriate multiple-use management and resource protection.

The planning and management decisions in the Cody RMP have been reviewed by an interdisciplinary team of BLM specialists to identify (1) which of the decisions would apply to the restored lands; (2) whether any decisions must be deferred, because further analysis is needed before RMP decisions can be applied or made for any of the restored lands; and (3) whether it may be necessary to pursue new withdrawals to protect specific resources on any of the restored lands.

This EA is being made available for a 30-day comment and protest period, to be announced in a *Federal Register* notice. In addition, the availability of the EA will be made known in media releases and in letters sent to interested parties on the Cody Field Office mailing list. An open house is scheduled, as well, to discuss the EA.

If any protests are received on the proposed decisions, they must be resolved by the BLM Director. The EA will then be revised, if necessary, and a decision record will be issued. The decision record will describe any comments and (or) protests and explain how these were answered or resolved.

A 60-day governor's consistency review will begin at the same time as the public comment and protest period. The purpose of the consistency review is to allow for the identification of any inconsistencies between the BLM's proposed RMP amendment and the plans and programs of state and local agencies.

Finally, the BLM's planning regulations allow for a 60-day public review period of potential areas of critical environmental concern (ACEC). The planning review considered the designation of an ACEC on Chapman Bench for managing the habitat of long-billed curlews and mountain plovers. Although the proposed RMP amendment does not recommend ACEC designation, the 60-day review period is being provided for further discussion of the habitat area.

ANALYSES INCORPORATED BY REFERENCE

When the EIS was prepared for the Cody RMP, the description of environmental impacts did not distinguish between BOR withdrawn lands and lands under BLM jurisdiction. As described on page 6 of the draft EIS for the Cody RMP (February 1988), three of the alternatives assumed that

...existing withdrawals and classifications would be terminated and their segregative effects [would be] removed unless a specific management action [in one or more alternatives] indicate[d] that either a new or different segregation [protective withdrawal] would be needed or that an existing segregation would be retained. The impacts of management actions on these areas, including whether or not segregative effects would be involved, [would] be addressed in the analysis of impacts for each alternative.

When the final EIS for the Cody RMP was completed in September 1988, a protest of the proposed RMP mistakenly concluded that this withdrawal review analysis would lead to immediate termination of the withdrawals and classifications. That was not the BLM's intention, but rather to facilitate future withdrawal review efforts by having documented, in an EA or EIS, the potential environmental impacts of removing the withdrawals and their segregations. (Shortly after the completion of the Cody RMP it became agency policy to conduct these analyses during the preparation of every RMP, in the same manner that it had been done for the Cody RMP.) To settle the protest, the BLM acknowledged that no planning decisions would be made in the Cody RMP on the termination of withdrawals. Where BOR withdrawals were involved, this made complete sense because, at the time, the BLM did not have the jurisdiction to make management decisions for those lands.

The BLM's review of potential environmental impacts affecting the restored lands is clearly reflected on page-sized maps, as documented in the EIS for the Cody RMP. While not distinguishing between BOR- and BLM-administered lands, these maps show the proposed decisions analyzed by alternative, along with important elements of the affected environment, including hydrocarbon potential and oil and gas fields, grazing allotments, recreation opportunities, fragile soils, vegetation, and wildlife habitat.

STANDARDS AND GUIDELINES INCORPORATED

Appendix 1, Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming (approved August 12, 1997) appears at the end of this document. These standards and guidelines were developed in compliance with the Department of the Interior's final rule for grazing administration, effective August 21, 1995. The Standards for Healthy Rangelands address the health, productivity, and sustainability of the BLM-administered public rangelands and represent the minimum acceptable conditions for the public rangelands. These **standards** apply to all public land resource uses addressed in the Preferred Alternative (see "Alternatives Including the Preferred"). The Guidelines for Livestock Grazing Management provide for the development and implementation of reasonable, responsible, and cost-effective management practices at the grazing allotment and watershed level. These **guidelines** apply specifically to livestock grazing management practices.

EXISTING RIGHTS AND PAYMENTS IN LIEU OF TAXES

Existing Rights

The restored lands do not contain existing irrigation projects and have not been approved by Congress for future ones. Livestock grazing on the restored lands has been administered by the BLM for many years, through interagency agreements with the BOR, and will continue to be administered by the BLM.

In other cases, the Bureau of Reclamation has also authorized permits, licenses, and(or) leases. Approximately 14 valid existing rights are known to exist including access roads, water pipelines, fiber optic cable rights-of-way, telephone lines, and power lines. The BLM will assume jurisdiction over these authorizations and will take all necessary actions for their administration.

Payments in Lieu of Taxes

The transfer of jurisdiction from BOR to BLM will have no effect on the distribution of payments in lieu of taxes (PILT). These payments are intended to off-set the loss of tax revenues to states and localities caused by the presence of tax-exempt federal lands within their jurisdictions.

CONFORMANCE STATEMENT

The land use and resource management decisions in the Cody Resource Management Plan (November 8, 1990) describe the current general management direction for the Cody Planning Area. Those RMP decisions that apply to the 149,783.31 acres of restored lands are reiterated in the section of this EA titled, "Proposed Planning Decisions (By Program)." Since those decisions have come from the Cody RMP with minor updating and clarification of the original language², the alternative to incorporate those decisions for the restored lands is in conformance with the Cody RMP.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the analysis of potential environmental impacts resulting from the alternatives addressed in this environmental assessment, it has been determined that impacts are not expected to be significant and an environmental impact statement is not needed.

2 The BLM's planning regulations require resource management plans to be maintained as necessary to reflect minor changes in data. This can involve refining, clarifying, or documenting a previously approved decision in the plan, or updating the plan to reflect changes in agency policy. For example, the Cody RMP has been updated to comply with changes in BLM policy relating to fire management and to incorporate the BLM's standards and guidelines for healthy rangelands, approved in August 1997. A copy of the Cody RMP showing all such changes, along with a statement of the reasons for each change, is available for public review in the Cody Field Office.

ALTERNATIVES

ALTERNATIVES INCLUDING THE PREFERRED

Four alternatives were analyzed in detail in the EIS for the Cody RMP. These included Alternative A (No Action Alternative), the continuation of current management in accordance with existing management framework plans for the Cody Planning Area; Alternative B, which generally reduced the level of land use restrictions, while providing more intensive management of forest resources, recreation, and livestock grazing; Alternative C, which addressed resource management conflicts by increasing the level of restrictions, while providing more intensive management of noncommodity resources; and Alternative D, the BLM's preferred alternative, which provided a balance between resource production and resource protection on the public lands. Alternative D was eventually modified to become the Cody RMP.

Alternatives A, B, and C are incorporated by reference in this EA. Readers can review the Cody EIS for detailed descriptions of these alternatives and their analyses.

The No Action Alternative for this planning review would keep all segregations in place for the restored lands. In the EIS for the Cody RMP the effects of retaining segregations were addressed in Alternative A.

The following Preferred Alternative lists the Cody RMP planning decisions that would apply directly to the future multiple-use management of the restored lands. This alternative represents the BLM's proposed plan amendment for incorporating the restored lands and their management into the Cody RMP.

PROPOSED PLANNING DECISIONS (BY PROGRAM)

Air Quality Management Decisions

Management Objective

The air quality management objective is to maintain air quality at State of Wyoming standards, or better, consistent with the Wyoming Standards for Healthy Rangelands. (See Appendix 1.)

Management Actions

No specific management action initiatives are associated with the program. However, management actions conducted under other program initiatives, such as the use of prescribed fire or construction and mining activities would be conducted to avoid violation of the Wyoming and National ambient air quality standards.

See Appendix 2 (Wyoming Bureau of Land Management Mitigation Guidelines for Surface-Disturbing and Disruptive Activities) and other management decisions in this document for other restrictions on surface-disturbing activities that may apply to protection of air quality.

Cultural and Paleontological Resources Management Decisions

Management Objective

The cultural and paleontological resources management objective is to protect, study, and expand the interpretation of these resources.

Management Actions

Activity plans would be prepared for historic trails, including the Bridger Trail, the Nez Perce (*Nee-me-poo*) Trail, the Fort Washakie to Red Lodge Stage Route, and other important sites such as the Wiley Canal.

Areas in the immediate vicinity of significant cultural and historic sites as well as paleontological resources sites are normally avoidance areas for permanent surface-disturbing activities. Included under these provisions are the important sites mentioned above.

See Appendix 2 and other management decisions in this document for other restrictions on surface-disturbing activities that may apply to protection of cultural and paleontological resources.

Fire Management Decisions

Management Objectives

The fire management objectives are (1) to use prescribed fire to meet RMP objectives for the management of other resources (such as improvement of wildlife habitat and range condition) and (2) to suppress wildfires for the protection of resource values, property, and human life consistent with the Standards for Healthy Rangelands (Appendix 1) and the Fire Management Implementation Plan for the BLM-Administered Public Lands in the State of Wyoming (July 1998).

Management Actions

As appropriate, prescribed fire would be used to accomplish the various resource program management objectives described in the Cody RMP or in resource activity or implementation plans, and to reduce the build-up of hazardous fuels.

Some methods of wildfire suppression would be restricted in sensitive areas. For example, the use of heavy equipment would be restricted or prohibited in areas of fragile soils, in wetland/riparian areas, and where important cultural or paleontological resources have been identified.

See Appendix 2 and other management decisions in this document for other restrictions on surface-disturbing activities that may apply to fire management.

Geothermal Resources Management Decisions

Management Objective

The geothermal resource management objective is to maintain opportunities for geothermal exploration and development.

Management Actions

Geothermal resources are available for leasing in areas that would be open to oil and gas leasing. Areas closed to oil and gas leasing are also closed to geothermal leasing.

Exploration and development of geothermal resources would be subject to application of restrictions on surface-disturbing activities and other restrictions in the same manner as they are applied to oil and gas exploration and development activities.

See Appendix 2 and other management decisions in this document for other restrictions on surface-disturbing activities that may apply to geothermal resources development.

Hazardous Materials, Hazardous Waste, and Other Hazards Management Decisions

Management Objective

Protect public health and safety and the environment on public lands, emphasize waste reduction and pollution prevention for BLM-authorized and initiated actions, comply with applicable federal and state laws, prevent waste contamination from any BLM-authorized actions, minimize federal exposure to the liabilities associated with waste management on public lands, and integrate hazardous materials and waste management policies and controls into all BLM programs.

Management Actions

For BLM-authorized activities that involve hazardous materials or their use, precautions would be taken to guard against releases into the environment. In the event of a release of hazardous materials on the public land, appropriate warnings would be provided to potentially affected communities and individuals, and precautions would be taken against public exposure to contaminated areas.

Sale, exchange, or other transfer of public lands on which storage or disposal of hazardous substances has been known to occur would require public notification of the type and quantity of the substances.

Public lands contaminated with hazardous wastes would be reported, secured, and cleaned up according to federal and state laws, regulations, and contingency plans, including the federal Comprehensive Environmental Response, Compensation, and Liability Act. Parties responsible for contamination would be liable for cleanup and resource damage costs, as prescribed by law.

Lands and Realty Management Decisions

Management Objectives

The lands and realty management objectives are to support the goals and objectives of other resource programs for managing the restored lands and to respond to public demand for land use authorizations.

Management Actions

Access

The BLM access policy in Wyoming is to acquire permanent exclusive easements (BLM controls and includes rights for the public) over mainline roads on the BLM transportation plan. A BLM mainline road is considered the principal access into larger blocks of BLM-administered public lands or into tracts of public land with high resource values.

Recreational access to public lands along the Clarks Fork of the Yellowstone River would be retained.

Landownership Adjustment

Up to 7,200 acres of restored lands could be identified as available for consideration for disposal under the public land sale authority of section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA). (See Appendix 3 of this document.) A list of the restored lands, by tract, that could be available for disposal is shown in Appendix E of the Cody RMP.)

These lands, and all other lands being addressed in this planning review, may be considered for any type of disposal, including public land sale, desert land entry, exchange, and recreation and public purposes (R&PP) patent.

All disposal actions would be subject to meeting site-specific disposal criteria. (See Appendix 3.)

Priority would be given to disposal of lands to meet community needs.

The preferred method of disposal or acquisition of lands by the BLM would be through exchange.

Utility/Transportation Systems

Utility and pipeline right-of-way concentration areas would be the preferred locations for the placement of future utility and pipeline rights-of-way.

The restored lands would be open for the location of utility and transportation systems. Proposals would be addressed on an individual basis with emphasis on avoiding identified and potential conflict areas.

To protect scenic quality, aboveground facilities, such as power lines, would be avoided along major transportation routes.

The areas within 1 mile of the Shoshone and Greybull rivers and the Clarks Fork of the Yellowstone River would be avoidance areas for the construction of aboveground power lines.

Significant segments of historic trails would be avoidance areas for all types of rights-of-way. Where feasible, rights-of-way would be placed across trail routes in existing right-of-way crossing areas.

If restricted types of rights-of-way are required in avoidance areas or when such areas cannot reasonably be avoided, the adverse effects of construction would be intensively mitigated.

Withdrawals

Reviews of withdrawn lands, under section 204 of FLPMA, would be completed to determine whether the withdrawals are serving or needed for their intended purposes. The pursuit of new protective withdrawals would be considered as necessary.

BLM-administered stock driveway withdrawals on 1,722.09 acres (see Table 1 and Appendix 3) would be retained, although the BLM would reserve the right to modify historic trailing routes and use, to mitigate any impacts associated with trailing, or to deny trailing use if the impacts cannot be adequately mitigated.

A BLM-administered power site classification on 160 acres also would be retained. (See Table 1 and Appendix 3.)

See Appendix 2 and other management decisions in this document for other restrictions on surface-disturbing activities that may apply to lands and realty actions.

Livestock Grazing Management Decisions

Management Objective

The livestock grazing management objective is to improve forage production and ecological range conditions for the benefit of livestock use, wildlife, and watershed resources consistent with the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming. (See Appendix 1.)

Management Actions

Actions would be consistent with the Guidelines for Livestock Grazing Management for public lands administered by the Bureau of Land Management in the State of Wyoming.

Livestock grazing use on the restored lands would be continued. Livestock grazing would be managed to provide for protection or enhancement of other resource values consistent with *"The Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming."*

Any adjustments in livestock grazing use, either short-term or long-term, would be made as a result of monitoring and consultation with grazing permittees or through negotiations with grazing permittees and other affected interests and through formal grazing decisions or agreements. Adjustments may also result from land use planning decisions to change the allocation of land uses or from transfers of the restored lands to other agency jurisdictions or into nonfederal ownership.

High intensity monitoring and allotment management plan (AMP) development would be conducted on high priority "I" (improve) category allotments. Low intensity monitoring would be conducted on the other "I" allotments and on "M" (maintain) and "C" (custodial) category allotments.

Existing stock driveway withdrawals on 1,722.09 acres would be retained, although the BLM would reserve the right to modify historic trailing routes and use, to mitigate any impacts associated with trailing, or to deny trailing use if the impacts cannot be adequately mitigated.

See Appendix 2 and other management decisions in this document for other restrictions on surface-disturbing activities that may apply to livestock grazing management.

Minerals Management Decisions

Management Objective

The minerals management objective is to maintain or enhance opportunities for mineral exploration and development, while providing protection or enhancement of other resource values consistent with the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming. (See Appendix 1.)

Management Actions

Minerals—General

Surface-disturbing and disruptive activities associated with all types of minerals exploration and development and with geophysical exploration would be subject to consideration of the Wyoming BLM Mitigation Guidelines for Surface-Disturbing Activities. See Appendix 2 and other management proposals in this EA for such restrictions that apply to geophysical exploration and to minerals exploration and development activities.

Leasable Minerals—Coal

The coal screening process (as identified by 43 CFR 3420.1-4) has not been conducted for the restored lands. Interest in exploration or leasing of federal coal would be handled case by case. If an application for a coal lease should be received in the future, an appropriate land use and environmental analysis, including the coal screening process, would be conducted to determine whether or not the federal coal areas applied for are acceptable for development and for leasing consideration (43 CFR 3425).

Leasable Minerals—Geophysical Exploration

All parts of the restored lands that would be open to oil and gas exploration would be open to geophysical exploration. Those lands identified as closed to oil and gas exploration would also be closed to geophysical exploration.

On lands with "no surface occupancy" restrictions for oil and gas exploration and development activities, only casual use geophysical exploration would be allowed, unless otherwise specified. (Casual use for geophysical exploration is described in 43 CFR 3150.05(b).)

Surface disturbance restrictions for geophysical exploration activities apply to both leased and unleased lands.

Leasable Minerals—Oil and Gas

The restored lands would be open to oil and gas leasing, subject to appropriate restrictions for surface-disturbing and disruptive activities.

Throughout the restored lands, oil and gas reclamation plans would be prepared to improve reclamation in old fields and to allow for orderly development of new fields.

In cases where federal oil and gas leases are or have been issued without stipulated restrictions or requirements that are later found to be necessary or with stipulated restrictions or requirements that are later found to be insufficient, the needed restrictions or requirements may be included in approving subsequent exploration and development activities. These restrictions or requirements may only be included as reasonable measures or as conditions of approval in authorizing Applications for Permit to Drill (APDs), Plans of Operation (POOs), or Plans of Development (PODs). Conversely, in cases where leases are or have been issued with stipulated restrictions or requirements that are later found to be excessive or unnecessary, the stipulated restrictions or requirements may be appropriately modified, excepted, or waived in authorizing APDs, POOs, or PODs. Both the application of reasonable measures or conditions of approval and the modification, exception or waiver of stipulated restrictions or requirements must first be based upon site-specific analysis of individual APDs, POOs, or PODs, including the necessary supporting National Environmental Policy Act documentation.

Locatable Minerals

Following this planning review and publication of opening orders in the *Federal Register*, the restored lands would be opened on 147,901.22 acres to the staking of mining claims and operation of the mining laws for locatable minerals. Stock driveway withdrawals and a power site classification comprising 1,882.09 acres, would remain closed to these land uses.

Plans of operation or notices would be required for locatable mineral exploration and development activities consistent with the regulations at 43 CFR 3809.

All locatable minerals actions would be reviewed to assure compliance with the BLM bonding policy for surface-disturbing activities.

Salable Minerals

Except for specific areas identified as closed, the restored lands would be open to sale of mineral materials (for example, sand and gravel) and related exploration and development activities.

Fishing and hunting access areas would be closed to salable mineral development.

Sales and extraction of mineral materials from existing mineral sites would be allowed. Establishment of new mineral sites would be evaluated individually.

Off-Road Vehicle Management Decisions

Management Objective

The off-road vehicle (ORV) management objective is to maintain or enhance opportunities for ORV use while protecting or avoiding adverse effects of vehicular travel on other resource values.

Management Actions

Unless otherwise specified, vehicle use on the restored lands would be limited to **existing** roads and trails. “Existing” roads and trails will apply only to roads and trails in existence at the time of this planning review (see Maps 5 through 8) and to any BLM-authorized roads and trails constructed in the future.

Except for areas that are **closed** or limited to **designated** roads and trails, performance of necessary tasks requiring off-road use of a vehicle is authorized. Examples of necessary tasks include picking up big game kills and constructing or repairing authorized range improvements.

Until activity planning specifically addresses the use of over-the-snow vehicles, they would be subject to the same requirements and limitations as all other vehicles.

Vehicular use on the restored lands is limited to **designated** roads and trails in the following areas.

- Essential and recovery habitat for threatened or endangered species.
- Areas with fragile soils or with Class I or II visual resource management (VRM) ratings.
- Areas containing significant cultural or paleontological resources.

See Appendix 2 and other management proposals in this document for other restrictions on surface-disturbing activities that may apply to ORV use.

Recreation Management Decisions

Management Objective

The recreation management objective is to enhance opportunities for primitive recreation, while increasing visitor services in some areas (to meet needs for more developed forms of recreation).

Management Actions

Some of the restored lands lie within the Rivers Special Recreation Management Area (SRMA) and the Historic Trails SRMA. Activity plans would be developed for these SRMAs. All remaining restored lands would be designated an extensive recreation management area (ERMA).

Additional directional and interpretive signs would be installed to facilitate recreational use of the Nez Perce (*Nee-me-poo*) and Bridger historic trails, the Fort Washakie to Red Lodge Stage Route, and the Greybull, and Clarks Fork of the Yellowstone rivers.

The Eagle Pass and the Bridger Trail/Wild Horse interpretive sites would be maintained. The development of other interpretive and recreational sites would be considered case by case.

All developed interpretive and recreational sites and undeveloped fishing and hunting access areas would be closed to surface-disturbing activities except for those activities needed for the development of recreational facilities.

See Appendix 2 and other management proposals in this document for other restrictions on surface-disturbing activities that may apply to recreation.

Visual Resource Management Decisions

Management Objective

The VRM objective is to maintain or improve scenic values and visual quality throughout the restored lands.

Management Actions

Visual resources would be managed in accordance with objectives for visual resource management (VRM) classes.

Visual resource values would be considered before authorizing land uses that may affect them. Visual resource management requirements are applied only on the restored lands or to BLM-approved actions on split-estate lands (that is, nonfederal surface ownership over BLM-administered federal minerals).

Surface-disturbing activities would be prohibited in Class I or II VRM areas, unless adverse impacts can be mitigated or avoided.

See Appendix 2 and other management proposals in this document for other restrictions on surface-disturbing activities that may apply to visual resource management.

Watershed Management Decisions

Management Objectives

The watershed management objectives are to stabilize and conserve soils, increase vegetative production, and to maintain or improve water quality consistent with the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming. (See Appendix 1.)

Management Actions

Watershed projects would be maintained as necessary.

Surface water quality would be monitored in areas where noxious weeds are to be treated. Priority for monitoring would be assigned to municipal watersheds, fish hatchery supply watersheds, and domestic or agricultural use watersheds with major fish-bearing streams.

Watershed improvement practices in the state of Wyoming's Bighorn Basin water quality plans would be implemented to reduce sediment loadings in the streams and river segments.

Surface-disturbing activities would be prohibited within 500 feet of surface water and(or) riparian areas, except when such activities are necessary and when their impacts can be mitigated or avoided.

Sagebrush control would be allowed within 500 feet of water unless site-specific environmental analyses indicate more stringent restrictions are needed.

See Appendix 2 and other management proposals in this document for other restrictions on surface-disturbing activities that may apply to watershed management.

Wild Horse Management Decisions

Management Objective

The management objective in the McCullough Peaks wild horse herd management area (WHHMA) is to maintain a viable herd that will maintain the free-roaming nature of wild horses in a thriving ecological balance, consistent with the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming (Appendix 1), and to provide opportunity for the public to view wild horses.

Management Actions

The McCullough Peaks WHHMA would be managed to maintain an average population of 100 adult wild horses until monitoring data shows that changes in the population level are necessary.

See Appendix 2 and other management decisions in this document for other restrictions on surface-disturbing activities that may apply to wild horse management.

Wildlife and Fish Habitat Management Decisions

Management Objective

The wildlife and fish habitat management objective is to maintain and enhance fish and wildlife resources so that the forage production and quality of rangelands and fish and wildlife habitat would be maintained or improved consistent with the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming. (See Appendix 1.)

Management Actions

The condition of uncommon and important wildlife habitats would be maintained or improved through vegetative manipulations or other habitat improvement projects, and application of the Wyoming BLM Mitigation Guidelines for Surface-Disturbing Activities.

Sagebrush control would be allowed in sensitive wildlife habitat areas subject to the use of restrictions to protect wildlife and wildlife habitat.

Wetlands and fisheries habitat would be managed to improve and enhance their values. This would be done through use of restrictions on surface-disturbing activities and implementation of management practices such as vegetation manipulation and planting, installing sediment and erosion control structures, fencing, and acquiring, developing, and maintaining water sources.

Predator control conducted by the U.S. Department of Agriculture, Animal and Plant Health and Inspection Service—Wildlife Services, including the use of poisons that are lethal to vertebrate animals, would be considered case-by-case as specific proposals are submitted. These activities

would be subject to established procedures and policies as outlined in the national and state level memoranda of understanding

Use of chemicals on noxious weeds would be controlled in areas designated as essential or recovery habitat for threatened, endangered, or sensitive plant and animal species in accordance with site-specific habitat requirements. Environmental analysis and consultation with county weed and pest control authorities regarding the need for treatment and methods of treatment would be part of this process.

For the protection of prey bases essential for threatened or endangered birds, spraying of insecticides would not be allowed until after the completion of site-specific environmental analyses.

Whenever practicable, BLM would consult with the Wyoming Game and Fish Department (WGFD) in applying mitigation for wildlife needs and before waiving, allowing exceptions to, or modifying wildlife-related land use restrictions and mitigations.

Raptors. Areas within 0.75 mile or the visual horizon (whichever is closer) of special status raptor species nest sites would be avoidance areas for road construction and upgrading. The purpose is to limit increased vehicle use and related disruption or disturbance of special status raptors that could occur during the nesting period because of improved vehicle access. In these same areas, a seasonal restriction would be applied to surface-disturbing or disruptive activities during the nesting season.

Surface-disturbing or disruptive activities would be prohibited within these same areas, if they would result in the loss of an active special status raptor species nest or a structure on which such a nest is built, or if they would cause loss of significant portions of concentration, foraging, or nesting habitat for these raptors.

Big Game. Seasonal restrictions would be applied as appropriate to surface-disturbing and disruptive activities and land uses on big game crucial habitat, including winter ranges.

During periods of severe winter weather, approval by the BLM would be required before snow removal can be conducted on BLM-administered roads in big game crucial winter ranges. The purpose is to minimize disruption and disturbance of the animals during periods of high stress.

Grouse. Surface-disturbing activities would be prohibited within 0.25 mile of sage grouse and sharp-tailed grouse strutting grounds (leks).

A seasonal restriction would be applied to surface-disturbing and disruptive activities and land uses within a 2-mile radius of the center of active grouse leks during nesting/brooding periods.

A 10 percent unreclaimed surface disturbance objective would be used as a guide/alert to conduct site-specific evaluations of mitigation needs in any individual grouse habitat area. That is, before unreclaimed surface disturbance within 2 miles of an active lek would reach or exceed 10 percent, evaluations would be conducted to determine if and what type of mitigation is needed and practicable. Emphasis would be placed on accelerated reclamation of disturbed habitat, improvement of present grouse habitat, or development of other habitat suitable for grouse.

Other Wildlife Considerations. The WGFD and the U.S. Fish and Wildlife Service (FWS) are responsible, in part, for the management of wild animal "populations," while the BLM manages fish and wildlife "habitat" on the public lands. The management of wild animals and their habitats are

biologically entwined and largely inseparable. For this reason, the BLM will make every reasonable attempt to coordinate with these agencies and others who are interested in fish and wildlife habitat management activities on the restored lands and to accommodate their interests and concerns whenever possible. The BLM will address management actions involving the WGFD's species of high management priority and the FWS's national species of special emphasis to the extent consistent with the BLM's wildlife program priorities. Consideration of these types of species and their habitats would be addressed in review processes for proposed actions and activities, including such things as land disposals and acquisitions. As appropriate and necessary, adverse effects of surface-disturbing and disruptive activities in habitats of these types of species would be controlled through application of the Wyoming Bureau of Land Management Mitigation Guidelines for Surface-Disturbing and Disruptive Activities (see Appendix 2).

Potential Area of Critical Environmental Concern

When the EIS for the Cody RMP was being developed, the BLM proposed that approximately 15,400 acres on Chapman Bench be designated an area of critical environmental concern (ACEC). The purpose of the proposed designation was to provide special attention for the management of long-billed curlew and mountain plover habitat. As described in the Record of Decision for the Cody EIS, all except 160 acres of the area had been withdrawn for use by the BOR, and it was realized that the BLM lacked jurisdiction to place an ACEC designation on the BOR-administered lands. Therefore, the designation was dropped and language was placed in the Record of Decision, that "...should the total administrative authority for the area be transferred to the BLM, the needs and possibilities for special management designation can be reconsidered."

In the time since the Cody RMP was completed, long-billed curlews and mountain plovers have been identified on many other BLM- and BOR-administered federal lands in the Bighorn Basin of Wyoming, including the restored lands on YU Bench and adjacent areas. Because the birds and their habitat are more dispersed than was first thought, there is less need to designate the Chapman Bench area for special management. For this reason, an ACEC designation for the habitat is not being proposed as part of this planning review.

Recently, the mountain plover was recommended by the U.S. Fish and Wildlife Service for listing under the endangered species act. Various federal, state, and local agencies, including the BLM, are in the process of determining habitat requirements for the birds. The BLM will comply with all provisions of the Endangered Species Act which may be applied, in the future, to the management of mountain plovers and their habitat.

Wild and Scenic River Review

On July 22 and November 4, 1991, an interdisciplinary team of BLM specialists conducted reviews of the waterways in the Cody RMP planning area for potential wild and scenic river designation. A total of 135 waterways were evaluated including those flowing across the restored lands. Following a public comment period, which included open houses, the results of these reviews were announced in October 1993. No waterways crossing the restored lands were found eligible for inclusion in the National Wild and Scenic River System.

Wilderness Review

The restored lands were evaluated in January 1979 for wilderness characteristics. None of those lands qualified for wilderness study area designation.

AFFECTED ENVIRONMENT

Maps 2 through 8 (located at the back of this document) show many of the important features of the restored lands. Table 2 contains livestock grazing information for allotments on the restored lands. Other information on the Affected Environment can be found in the EIS for the Cody RMP.

The maps are provided to generally represent the lands and resources affected by the planning review. More detailed maps showing the restored lands and the location of important resources are available for public inspection in the Cody Field Office. Maps showing wildlife habitat are continually updated as the BLM and the WGFD collect new information. Although the wildlife habitat maps in this EA broadly describe potentially affected habitat areas, they are not intended to be the sole source of information for applying mitigation and other types of management. In practice, mitigation requirements are evaluated and applied, as necessary, in response to on-the-ground studies of proposed land-use activities. Industry, the WGFD, and other affected or interested citizens participate in these evaluations. Even though the precise locations of important habitat areas may vary with time from the areas shown in this EA, the BLM's intention is to protect these resources when and where the protection is warranted.

Air quality in the area generally can be described as good. Contaminants that are found in small amounts include suspended particulates, hydrogen sulfide, sulfur oxide, nitrogen oxide, and vaporous hydrocarbons.

Bentonite is a locatable mineral found on a few acres of restored lands west and south of Cody. The mineral has been mined west of Cody near Diamond Basin and bentonite mining claims have been patented on lands immediately east of the Cody Landfill. Bentonite also underlies restored lands immediately south of Cody's Beck Lake. These lands in T. 52 N., R. 101 W., sections 6 and 7 and T. 52 N., R. 102 W., sections 1 and 12, are covered by stock driveway withdrawals and are not proposed to be opened to mining under the Preferred Alternative.

Sand and gravel deposits have been mined on Chapman Bench and at Eagle Pass on YU Bench east of Cody.

The restored lands are dominated by salt shrub and sagebrush vegetative communities. The salt shrub vegetative community is found in low precipitation areas in both lowlands and uplands, and in floodplains or in intermittent drainages. Nuttall's saltbush is the predominant species. Common understory species include Indian ricegrass, bottlebrush squirreltail, pricklypear cactus, scarlet globemallow, and bluebunch wheatgrass. Plant cover is often sparse, but this community provides important winter range for both livestock and big game.

The sagebrush vegetative community is characterized by basin and Wyoming big sagebrush in association with low-growing shrub and half-shrub species (snakeweed, winterfat, shadscale, black sagebrush, fringed sagewort, rabbitbrush) and a variable understory of perennial grasses and annual and perennial herbaceous broad-leaved species. Shrub canopy cover varies from one site to another, but it is relatively constant in any given area over time. Shrub stands occupy a range from very open stands supporting a diverse productive understory to a completely closed canopy where

sagebrush competition allows few understory species. The sagebrush vegetative community provides important yearlong and seasonal wildlife habitat.

Although intensive inventories for noxious weeds have not been completed for the restored lands, a number of weed locations have been reported. These weeds include spotted knapweed, Russian knapweed, houndstongue, hoary cress, dalmation toadflax, musk thistle and leafy spurge. The acreage of these nonnative species is thought to be increasing at a rate of about 15 percent per year. It is estimated that current infestations cover about 250 acres.

Spotted knapweed and leafy spurge are the biggest problem weeds in the Bighorn Basin. Within 10 years these plants could be along most major roads and streams in Park and Big Horn counties.

For the most part, the restored lands have recreational opportunities described as roaded natural and semiprimitive motorized, depending on the number and proximity of paved, dirt, or two-track roads. Opportunities for recreation along state, county, and BLM roads offer a relatively isolated environment but other recreationists may be encountered. Favorite recreational activities include hunting, picnicking, rock collecting, and driving for pleasure. More primitive recreational opportunities abound along dirt and two-track roads.

Recreational and interpretive sites on the restored lands include the Bridger Trail/Wild Horse interpretive area and the Wiley Canal interpretive area on YU Bench. Part of the YU Bench restored lands are within the McCullough Peaks wild horse herd management area.

Important wildlife habitat includes crucial winter range for mule deer, sage grouse strutting, nesting, and breeding habitat, raptor nesting areas, long-billed curlew and mountain plover habitat, yearlong pronghorn habitat, and white-tailed deer habitat along the major streams and rivers which border the restored lands.

Table 2
Livestock Grazing Information For Allotments on the Restored Lands

Allotment Number	Allotment Name¹	Management Category	Total Federal Acres	Forage Condition (acreage)			Season of Use²	Grazing Preference by Livestock Class (AUMs)			Grazing Preference (AUMs)	Held In Suspension (AUMs)
				Satisfactory	Unsatisfactory	Undetermined		Cattle	Sheep	Horses		
SECTION 3 ALLOTMENTS												
00666	Reclamation (WH)	I	6,640	2,830	3,810		Sp	292			292	463
01046	Bench Canal	M	739	427	312		Sp	47			47	111
01047	County Line	M	651	644	7		S	41			41	7
01048	Dry Creek	M	720	487	233		Sp,S	64			64	86
01049	Individual	I	1,289	1,027	262		Sp	101			101	237
01059	Thumper	I	29,639	11,864	17,775		Sp,F,W		2,159		2,159	1,439
01060	East-West (WH)	I	56,849	16,531	40,318		Sp,S	3,885			3,885	1,431
01064	Peaks	I	14,855	4,875	9,980		Sp,F	657			657	1,343
01065	Y U Bench	C	170			170	Sp,S,F	13		5	18	
01066	Corbett Dam	M	3,574			3,574	Sp,S,F	300			300	20
01069	Peaks	I	10,008	1,976	8,032		F,W	1,519			1,519	358
01070	Big Trap	I	8,007	2,853	5,154		W	639			639	
01071	Polecat Bench	I	14,402	2,853	11,549		W	1,797			1,797	
01073	Sage Creek Group	I	11,744	7,009	4,735		S,F	1,411			1,411	
01074	Keystone	C	94			94	Sp	27			27	31
01080	Chapman Bench	I	6,502	74	6,428		Sp	380			380	
01086	Schlat/Common	M	4,775	1,880	2,895		Sp,F	239			239	

1. (WH) by an allotment name indicates that the allotment is inside a wild horse range.

2. The following are abbreviations for season of use: Sp = spring grazing, S = summer grazing, F= fall grazing, W = winter grazing, and Y = grazing allowed in any season.

Table 2
Livestock Grazing Information For Allotments on the Restored Lands

Allotment Number	Allotment Name ¹	Management Category	Total Federal Acres	Forage Condition (acreage)			Season of Use ²	Grazing Preference by Livestock Class (AUMs)			Grazing Preference (AUMs)	Held in Suspension (AUMs)
				Satisfactory	Unsatisfactory	Undetermined		Cattle	Sheep	Horses		
01087	Badlands	I	20,358	456	19,902		Sp	1,144			1,144	
01088	Heifer	I	8,453	1,896	6,557		Sp	511			511	
SECTION 15 ALLOTMENTS												
02564	Homestead/Avent	M	6,600	3,168	3,432		Sp,W	702			702	
03009	Keystone	M	547			547	S	32			32	
03014	Buchanan	C	278			278	S	14			14	
03022	Fernandez	M	1,079			1,079	S,F	202			202	
03026	Hill	C	370		370		Sp,S	31			31	
03035	Eagle Pass	I	25,581	350	25,231		Sp,S,F	2,018			2,018	807
03049	Haffey Place	C	440			440	S,F	70			70	
03052	Lake	M	8,545	6,402	2,143		Sp,W	866			866	
03059	Indian Pass	I	2,252	1,001	1,251		Sp,S	206			206	
03064	Lower Sage Creek	M	3,755			3,755	Sp,F,W	365			365	
03067	Red Point (WH)	I	13,999	6,629	7,370		Y	1,026			1,026	529
03068	Oregon Coulee	I	4,436	2,094	2,342		F,W	851			851	
03069	Lower Y U Bench	I	4,350		4,350		S,F	396			396	
03071	Wiley Rim	M	1,122			1,122	S,F,W	211			211	
03073	Rimrock	M	2,916	2,833	83		Sp,S	482			482	123

1. (WH) by an allotment name indicates that the allotment is inside a wild horse range.

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Table 2
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Allotment Number	Allotment Name¹	Management Category	Total Federal Acres	Forage Condition (acreage)			Season of Use²	Grazing Preference by Livestock Class (AUMs)			Grazing Preference (AUMs)	Held in Suspension (AUMs)
				Satisfactory	Unsatisfactory	Undetermined		Cattle	Sheep	Horses		
SECTION 15 ALLOTMENTS (CONTINUED)												
03074	Alexander	M	372			372	Sp	63			63	
03086	Chapman Bench	I	15,804	33	15,771		Sp	1,493			1,493	
03087	State	M	4,023			4,023	Y	2,696			2,696	
03088	Reclamation 15 (WH)	I	2,696	1,550	1,146		Sp	275			275	
03090	Y U Bench East	i	8,861	6,065	2,796		S,F,W	1,112			1,112	
03091	Y U Bench West	i	13,022	11,523	1,499		S,F	1,185			1,185	
03102	Bench	I	9,395	1,586	7,809		Sp,S,F	1,182			1,182	
03103	Simpson	M	8,912	114	1,860	6,938	Y	1,172			1,172	
03104	Lone Tree	I	1,615		1,615		Sp,S	120			120	185
03110	Boundary Well	M	542	409	133		F	58			58	33
03112	Stone Barn 15	I	8,284	1,847	6,437		W	1,254			1,254	
03113	Oilwell	M	8,113	3,847	4,266		Sp,W	843			843	
03114	Horse Center	M	5,493	4,260	1,233		Sp,W	572			572	
03115	Norquist	M	288	157	131		Sp,W	31			31	

1. (WH) by an allotment name indicates that the allotment is inside a wild horse range.

2. The following are abbreviations for season of use: Sp = spring grazing, S = summer grazing, F= fall grazing, W = winter grazing, and Y = grazing allowed in any season.

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ENVIRONMENTAL CONSEQUENCES

The EIS for the Cody RMP listed some specific environmental consequences that would be associated with terminating the segregative effects of BOR withdrawals, although no consequences were anticipated to be significant.

Generally, the termination of withdrawals and the BLM's publication of opening orders would allow land uses such as locatable mineral development or desert land entry on lands where those activities were formerly prohibited. The restored lands would also become available for consideration by the BLM for possible sale or exchange. (The publication of opening orders in the *Federal Register* for the restored lands, where appropriate, would take place after this planning review.)

The BLM has limited discretionary authority over the development of locatable minerals under the 1872 Mining Law, and the transfer of public lands under the Desert Land Act. These laws were intended to make western lands productive and habitable, and to encourage western settlement.

Under the mining law, individuals and companies may stake claims for the development of locatable minerals such as bentonite, gypsum, gold, silver, and diamonds.

Only a few acres of the restored lands have potential for bentonite mining. These lands, west and south of Cody, include some crucial winter habitat for mule deer but are not known to contain other significant resources. Although some bentonite mining has taken place on adjacent lands, the deposits are a long distance from processing plants in Greybull and Lovell, when compared to more extensive deposits at the foot of the Bighorn Mountains. Because of the relatively high transportation and development costs, and the limited size of the deposits, the mining might not take place or would be limited in its area and duration. Any adverse environmental impacts would be minor. However, there could be a small economic benefit to the community through the development of the minerals. The restored lands are not known to be valuable for other locatable minerals.

Under the BOR withdrawals, the lands were closed to desert land entry, but were essentially set aside and promoted for larger irrigation and agricultural projects. The fact that no projects were developed and the lands are no longer desired by the BOR suggests that the interest in, and potential for, future agricultural development is low. If development takes place, farming on desert land entries would cause existing vegetation to be replaced by such irrigated crops as alfalfa, barley, corn, sugar beets, or dry beans. The value of production would depend on crop yield and price. The existing vegetative composition would be changed by the activities of crop production, including tilling of the soil; seeding of crops; irrigation; the application of fertilizers, herbicides, and insecticides; and harvesting.

The impacts from noxious weeds are difficult to deal with. Major infestations can reduce the carrying capacity of wildlife habitat by as much as 98 percent. They can dry up the soil, lower the water table, and increase runoff by nearly 200 percent, releasing water that carries soil into streams. Streams run at higher temperatures because weeds can eliminate other plants that would shade the banks. They alter the nature of soil, interfere with the natural fire cycle, and can cause native ecosystems to be lost.

Bentonite mining would produce a short-term increase in noxious weeds during the interval between mining and reclamation. Agricultural development could have more impact in the long term if weeds become established along irrigation ditches and fence lines.

The Preferred Alternative is not anticipated to affect air quality, cultural resources, prime or unique farmlands, floodplains, Native American religious concerns, minority or low-income populations, threatened or endangered species, hazardous or solid wastes, water quality, wetlands or riparian areas, wild and scenic rivers, or wilderness. Some of these elements do not occur on the restored lands, and for those that do occur, the types of anticipated actions and the mitigation measures to be applied indicate that the effects would be insignificant.

COORDINATION AND CONSULTATION

This EA was prepared by an interdisciplinary team of BLM resource specialists in the Cody Field Office, zoned planning specialists in the Worland Field Office, and by reviewers in the Wyoming State Office.

Public scoping opportunities began with a notice in the *Federal Register*, published June 16, 1999, announcing BLM statewide planning reviews for considering the management of BOR withdrawn lands being restored to BLM jurisdiction.

This EA and its findings are being made available for a 30-day comment and protest period. The availability of the EA will be announced in a *Federal Register* notice, in media releases, and in letters sent to interested parties on the Cody Field Office mailing list. An open house to discuss the EA is scheduled on September 14, 1999 from 4 p.m. to 7 p.m. at the Cody Field Office, 1002 Blackburn Avenue.

The State of Wyoming's Office of Federal Land Policy will be provided 17 copies of the EA to begin the governor's consistency review.

COORDINATION AND CONSULTATION

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APPENDIX 1

STANDARDS FOR HEALTHY RANGELANDS AND GUIDELINES FOR LIVESTOCK GRAZING MANAGEMENT FOR THE PUBLIC LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT IN THE STATE OF WYOMING

INTRODUCTION

According to the Department of the Interior's final rule for grazing administration, effective August 21, 1995, the Wyoming Bureau of Land Management (BLM) State Director is responsible for the development of standards for healthy rangelands and guidelines for livestock grazing management on 18 million acres of Wyoming's public rangelands. The development and application of these standards and guidelines are to achieve the four fundamentals of rangeland health outlined in the grazing regulations (43 CFR 4180.1). Those four fundamentals are: (1) watersheds are functioning properly; (2) water, nutrients, and energy are cycling properly; (3) water quality meets State standards; and (4) habitat for special status species is protected.

Standards address the health, productivity, and sustainability of the BLM-administered public rangelands and represent the minimum acceptable conditions for the public rangelands. The standards apply to all resource uses on public lands. Their application will be determined as use-specific guidelines are developed. Standards are synonymous with goals and are observed on a landscape scale. They describe healthy rangelands rather than important rangeland by-products. The achievement of a standard is determined by observing, measuring, and monitoring appropriate indicators. An indicator is a component of a system whose characteristics (for example, presence, absence, quantity, and distribution) can be observed, measured, or monitored based on sound scientific principles.

Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management practices at the grazing allotment and watershed level. The guidelines in this document apply specifically to livestock grazing management practices on the BLM administered public lands. These management practices will either maintain existing desirable conditions or move rangelands toward statewide standards within reasonable timeframes. Appropriate guidelines will ensure that the resultant management practices reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, like standards, apply statewide.

Implementation of the Wyoming standards and guidelines will generally be done in the following manner: Grazing allotments or groups of allotments in a watershed will be reviewed based on the BLM's current allotment categorization and prioritization process. Allotments with existing management plans and high-priority allotments will be reviewed first. Lower priority allotments will

permittees and interested publics will be notified when allotments are scheduled for review and encouraged to participate in the review. The review will first determine if an allotment meets each of the six standards. If it does, no further action will be necessary. If any of the standards aren't being met, then rationale explaining the contributing factors will be prepared. If livestock grazing practices are found to be among the contributing factors, corrective actions consistent with the guidelines will be developed and implemented before the next grazing season in accordance with 43 CFR 4180. If a lack of data prohibits the reviewers from determining if a standard is being met, then a strategy will be developed to acquire the data in a timely manner.

On a continuing basis, the Standards for Healthy Rangelands will direct on-the-ground management on the public lands. They will serve to focus the on-going development and implementation of activity plans toward the maintenance or the attainment of healthy rangelands.

Quantifiable resource objectives and specific management practices to maintain or achieve the standards will be developed at the local BLM District and Resource Area levels and will consider all reasonable and practical options available to achieve desired results on a watershed or grazing allotment scale. The objectives shall be reflected in site-specific activity or implementation plans as well as in livestock grazing permits/leases for the public lands. These objectives and practices may be developed formally or informally through mechanisms available and suited to local needs (such as Coordinated Resource Management [CRM] efforts).

The development and implementation of standards and guidelines will enable on-the-ground management of the public rangelands to maintain a clear and responsible focus on both the health of the land and its dependent natural and human communities. This development and implementation will ensure that any mechanisms currently being employed or that may be developed in the future will maintain a consistent focus on these essential concerns. This development and implementation will also enable immediate attention to be brought to bear on existing resource concerns.

These standards and guidelines are compatible with BLM's three-tiered land use planning process. The first tier includes the laws, regulations, and policies governing BLM's administration and management of the public lands and their uses. The previously mentioned fundamentals of rangeland health specified in 43 CFR 4180.1, the requirement for BLM to develop these State (or regional) standards and guidelines, and the standards and guidelines themselves, are part of this first tier. Also part of this first tier are the specific requirements of various Federal laws and the objectives of 43 CFR 4100.2 that require BLM to consider the social and economic well-being of the local communities in its management process.

These standards and guidelines will provide for statewide consistency and guidance in the preparation, amendment, and maintenance of BLM land use plans, which represent the second tier of the planning process. The BLM land use plans provide general allocation decisions concerning the kinds of resource and land uses that can occur on the BLM-administered public lands, where they can occur, and the types of conditional requirements under which they can occur. In general, the standards will be the basis for development of planning area-specific management objectives concerning rangeland health and productivity, and the guidelines will direct development of livestock grazing management actions to help accomplish those objectives.

The third tier of the BLM planning process, activity or implementation planning, is directed by the applicable land use plan and, therefore, by the standards and guidelines. The standards and guidelines, as BLM statewide policy, will also directly guide development of the site-specific objectives and the methods and practices used to implement the land use plan decisions. Activity or implementation plans contain objectives which describe the site-specific conditions desired. Grazing permits/leases for the public lands contain terms and conditions which describe specific actions

guidelines, as BLM statewide policy, will also directly guide development of the site-specific objectives and the methods and practices used to implement the land use plan decisions. Activity or implementation plans contain objectives which describe the site-specific conditions desired. Grazing permits/leases for the public lands contain terms and conditions which describe specific actions required to attain or maintain the desired conditions. Through monitoring and evaluation, the BLM, grazing permittees, and other interested parties determine if progress is being made to achieve activity plan objectives.

Wyoming rangelands support a variety of uses which are of significant economic importance to the State and its communities. These uses include oil and gas production, mining, recreation and tourism, fishing, hunting, wildlife viewing, and livestock grazing. Rangelands also provide amenities which contribute to the quality of life in Wyoming such as open spaces, solitude, and opportunities for personal renewal. Wyoming's rangelands should be managed with consideration of the State's historical, cultural, and social development and in a manner which contributes to a diverse, balanced, competitive, and resilient economy in order to provide opportunity for economic development. Healthy rangelands can best sustain these uses.

To varying degrees, BLM management of the public lands and resources plays a role in the social and economic well-being of Wyoming communities. The National Environmental Policy Act (part of the above-mentioned first planning tier) and various other laws and regulations mandate the BLM to analyze the socioeconomic impacts of actions occurring on public rangelands. These analyses occur during the environmental analysis process of land use planning (second planning tier), where resource allocations are made, and during the environmental analysis process of activity or implementation planning (third planning tier). In many situations, factors that affect the social and economic well-being of local communities extend far beyond the scope of BLM management or individual public land users' responsibilities. In addition, since standards relate primarily to physical and biological features of the landscape, it is very difficult to provide measurable socioeconomic indicators that relate to the health of rangelands. It is important that standards be realistic and within the control of the land manager and users to achieve.

STANDARDS FOR HEALTHY PUBLIC RANGELANDS

STANDARD #1

Within the potential of the ecological site (soil type, landform, climate, and geology), soils are stable and allow for water infiltration to provide for optimal plant growth and minimal surface runoff.

THIS MEANS THAT:

The hydrologic cycle will be supported by providing for water capture, storage, and sustained release. Adequate energy flow and nutrient cycling through the system will be achieved as optimal plant growth occurs. Plant communities are highly varied within Wyoming.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

- Water infiltration rates;
- Soil compaction;
- Erosion (rills, gullies, pedestals, capping);
- Soil micro-organisms;
- Vegetative cover (gully bottoms and slopes); and
- Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

human disturbance in order to provide forage and cover, capture sediment, dissipate energy, and provide for ground water recharge.

THIS MEANS THAT:

Wyoming has highly varied riparian and wetland systems on public lands. These systems vary from large rivers to small streams and from springs to large wet meadows. These systems are in various stages of natural cycles and may also reflect other disturbance that is either localized or widespread throughout the watershed. Riparian vegetation captures sediments and associated materials, thus enhancing the nutrient cycle by capturing and utilizing nutrients that would otherwise move through a system unused.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

- Erosion and deposition rate;
- Channel morphology and flood plain function;
- Channel succession and erosion cycle;
- Vegetative cover;
- Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);
- Bank stability;
- Woody debris and instream cover; and
- Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

STANDARD #3

Upland vegetation on each ecological site consists of plant communities appropriate to the site which are resilient, diverse, and able to recover from natural and human disturbance.

THIS MEANS THAT:

In order to maintain desirable conditions and/or recover from disturbance within acceptable timeframes, plant communities must have the components present to support the nutrient cycle and adequate energy flow. Plants depend on nutrients in the soil and energy derived from sunlight. Nutrients stored in the soil are used over and over by plants, animals, and micro organisms. The amount of nutrients available and the speed with which they cycle among plants, animals, and the soil are fundamental components of rangeland health. The amount, timing, and distribution of energy captured through photosynthesis are fundamental to the function of rangeland ecosystems.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

- Vegetative cover;
- Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);
- Bare ground and litter;
- Erosion (rills, gullies, pedestals, capping); and
- Water infiltration rates.

The above indicators are applied as appropriate to the potential of the ecological site.

STANDARD #4

Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat. Habitats that support or could support threatened

STANDARD #4

Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat. Habitats that support or could support threatened species, endangered species, species of special concern, or sensitive species will be maintained or enhanced.

THIS MEANS THAT:

The management of Wyoming rangelands will achieve or maintain adequate habitat conditions that support diverse plant and animal species. These may include listed threatened or endangered species (U.S. Fish and Wildlife-designated), species of special concern (BLM-designated), and other sensitive species (State of Wyoming-designated). The intent of this standard is to allow the listed species to recover and be delisted, and to avoid or prevent additional species becoming listed.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

- Noxious weeds;
- Species diversity;
- Age class distribution;
- All indicators associated with the upland and riparian standards;
- Population trends; and
- Habitat fragmentation.

The above indicators are applied as appropriate to the potential of the ecological site.

STANDARD #5

Water quality meets State standards.

THIS MEANS THAT:

The State of Wyoming is authorized to administer the Clean Water Act. BLM management actions or use authorizations will comply with all Federal and State water quality laws, rules and regulations to address water quality issues that originate on public lands. Provisions for the establishment of water quality standards are included in the Clean Water Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in *Wyoming's Water Quality Rules and Regulations*. The latter regulations contain Quality Standards for Wyoming Surface Waters.

Natural processes and human actions influence the chemical, physical, and biological characteristics of water. Water quality varies from place to place with the seasons, the climate, and the kind substrate through which water moves. Therefore, the assessment of water quality takes these factors into account.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

- Chemical characteristics (for example, pH, conductivity, dissolved oxygen);
- Physical characteristics (for example, sediment, temperature, color); and
- Biological characteristics (for example, macro- and micro-invertebrates, fecal coliform, and plant and animal species).

The State of Wyoming is authorized to administer the Clean Air Act. BLM management actions or use authorizations will comply with all Federal and State air quality laws, rules, regulations and standards. Provisions for the establishment of air quality standards are included in the Clean Air Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in *Wyoming Air Quality Standards and Regulations*.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

- Particulate matter;
- Sulfur dioxide;
- Photochemical oxidants (ozone);
- Volatile organic compounds (hydrocarbons);
- Nitrogen oxides;
- Carbon monoxide;
- Odors; and
- Visibility.

BLM WYOMING GUIDELINES FOR LIVESTOCK GRAZING MANAGEMENT

1. Timing, duration, and levels of authorized grazing will ensure that adequate amounts of vegetative ground cover, including standing plant material and litter, remain after authorized use to support infiltration, maintain soil moisture storage, stabilize soils, allow the release of sufficient water to maintain system function, and to maintain subsurface soil conditions that support permeability rates and other processes appropriate to the site.
2. Grazing management practices will restore, maintain, or improve riparian plant communities. Grazing management strategies consider hydrology, physical attributes, and potential for the watershed and the ecological site. Grazing management will maintain adequate residual plant cover to provide for plant recovery, residual forage, sediment capture, energy dissipation, and ground water recharge.
3. Range improvement practices (instream structures, fences, water troughs, etc.) in and adjacent to riparian areas will ensure that stream channel morphology (for example, gradient, width/depth ratio, channel roughness and sinuosity) and functions appropriate to climate and landform are maintained or enhanced. The development of springs, seeps, or other projects affecting water and associated resources shall be designed to protect the ecological and hydrological functions, wildlife habitat, and significant cultural, historical, and archaeological values associated with the water source. Range improvements will be located away from riparian areas if they conflict with achieving or maintaining riparian function.
4. Grazing practices that consider the biotic communities as more than just a forage base will be designed in order to ensure that the appropriate kinds and amounts of soil organisms, plants, and animals to support the hydrologic cycle, nutrient cycle, and energy flow are maintained or enhanced.
5. Continuous season-long or other grazing management practices that hinder the completion of plants' life-sustaining reproductive and/or nutrient cycling processes will be modified to ensure adequate periods of rest at the appropriate times. The rest periods will provide for seedling establishment or other necessary processes at levels sufficient to move the ecological site condition toward the resource objective and subsequent achievement of the standard.

5. Continuous season-long or other grazing management practices that hinder the completion of plants' life-sustaining reproductive and/or nutrient cycling processes will be modified to ensure adequate periods of rest at the appropriate times. The rest periods will provide for seedling establishment or other necessary processes at levels sufficient to move the ecological site condition toward the resource objective and subsequent achievement of the standard.
6. Grazing management practices and range improvements will adequately protect vegetative cover and physical conditions and maintain, restore, or enhance water quality to meet resource objectives. The effects of new range improvements (water developments, fences, etc.) on the health and function of rangelands will be carefully considered prior to their implementation.
7. Grazing management practices will incorporate the kinds and amounts of use that will restore, maintain, or enhance habitats to assist in the recovery of Federal threatened and endangered species or the conservation of federally-listed species of concern and other State-designated special status species. Grazing management practices will maintain existing habitat or facilitate vegetation change toward desired habitats. Grazing management will consider threatened and endangered species and their habitats.
8. Grazing management practices and range improvements will be designed to maintain or promote the physical and biological conditions necessary to sustain native animal populations and plant communities. This will involve emphasizing native plant species in the support of ecological function and incorporating the use of non-native species only in those situations in which native plant species are not available in sufficient quantities or are incapable of maintaining or achieving properly functioning conditions and biological health.
9. Grazing management practices on uplands will maintain desired plant communities or facilitate change toward desired plant communities.

DEFINITIONS

Activity Plans: Allotment Management Plans (AMPs), Habitat Management Plans (HMPs), Watershed Management Plans (WMPs), Wild Horse Management Plans (WHMPs), and other plans developed at the local level to address specific concerns and accomplish specific objectives.

Coordinated Resource Management (CRM): A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decisionmaking.

Desired Plant Community: A plant community which produces the kind, proportion, and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

Ecological Site: An area of land with specific physical characteristics that differs from other areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response to management.

Guidelines (For Grazing Management): Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and therefore, the management actions they engender, are based on sound science, past and present management experience, and public input.

Indicator: An indicator is a component of a system whose characteristics (for example, presence, absence, quantity, and distribution) can be observed, measured, or monitored based on sound scientific principles. An indicator can be evaluated at a site- or species-specific level. Monitoring of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be observed, measured, or monitored in a particular allotment is a critical aspect of early communication among the interests involved on-the-ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.

Litter: The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

Management Actions: Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations, or other program or multiple use goals. Management actions include both grazing management practices and range improvements.

Objective: An objective is a site-specific statement of a desired rangeland condition. It may contain either or both qualitative elements and quantitative elements. Objectives frequently speak to change. They are the focus of monitoring and evaluation activities at the local level. Monitoring of the indicators would show negative changes or positive changes. Objectives should focus on indicators of greatest interest for the area in question.

Range Improvements: Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Rangeland: Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs, or shrubs. This includes lands revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes, and wet meadows.

Rangeland Health: The degree to which the integrity of the soil and ecological processes of rangeland ecosystems are sustained.

Riparian: An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have vegetation dependent on free water in the soil.

Standards: Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands.

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Standards: Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, that produces these by-products.

Terms and Conditions: Terms and conditions are very specific land use requirements that are made a part of the land use authorization in order to assure maintenance or attainment of the standard. Terms and conditions may incorporate or reference the appropriate portions of activity plans (for example, Allotment Management Plans). In other words, where an activity plan exists that contains objectives focused on meeting the standards, compliance with the plan may be the only term and condition necessary in that allotment.

Upland: Those portions of the landscape which do not receive additional moisture for plant growth from run-off, streamflow, etc. Typically these are hills, ridgetops, valley slopes, and rolling plains.

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APPENDIX 2

WYOMING BUREAU OF LAND MANAGEMENT (BLM) MITIGATION GUIDELINES FOR SURFACE-DISTURBING AND DISRUPTIVE ACTIVITIES

INTRODUCTION

These guidelines are primarily for the purpose of attaining statewide consistency in how requirements are determined for avoiding and mitigating environmental impacts and resource and land use conflicts. Consistency in this sense does not mean that identical requirements would be applied for all similar types of land use activities that may cause similar types of impacts. Nor does it mean that the requirements or guidelines for a single land use activity would be identical in all areas.

There are two ways the mitigation guidelines are used in the resource management plan (RMP) and environmental impact statement (EIS) process: (1) as part of the planning criteria in developing the RMP alternatives, and (2) in the analytical processes of both developing the alternatives and analyzing the impacts of the alternatives. In the first case, an assumption is made that any one or more of the mitigation measures will be appropriately included as conditions of relevant actions being proposed or considered in each alternative. In the second case, the mitigation measures are used (1) to develop a baseline for measuring and comparing impacts among the alternatives; (2) to identify other actions and alternatives that should be considered, and (3) to help determine whether more stringent or less stringent mitigation measures should be considered.

The EIS for the RMP does not decide or dictate the exact wording or inclusion of these guidelines. Rather, the guidelines are used in the RMP EIS process as a tool to help develop the RMP alternatives and to provide a baseline for comparative impact analysis in arriving at RMP decisions. These guidelines will be used in the same manner in analyzing activity plans and other site-specific proposals. These guidelines and their wording are matters of policy. As such, specific wording is subject to change primarily through administrative review, not through the RMP EIS process. Any further changes that may be made in the continuing refinement of these guidelines and any development of program-specific standard stipulations will be handled in another forum, including appropriate public involvement and input.

PURPOSE

The purposes of the "Wyoming BLM Mitigation Guidelines" are (1) to reserve, for the BLM, the right to modify the operations of all surface and other human presence disturbance activities as part of the statutory requirements for environmental protection, and (2) to inform a potential lessee, permittee, or operator of the requirements that must be met when using BLM-administered public lands. These guidelines have been written in a format that will allow for (1) their direct use as stipulations, and (2) the addition of specific or specialized mitigation following the submission of a detailed plan of development or other project proposal, and an environmental analysis.

Those resource activities or programs currently without a standardized set of permit or operation stipulations can use the mitigation guidelines as stipulations or as conditions of approval, or as a baseline for developing specific stipulations for a given activity or program.

Because use of the mitigation guidelines was integrated into the RMP EIS process and will be integrated into the site-specific environmental analysis process, the application of stipulations or mitigation requirements derived through the guidelines will provide more consistency with planning decisions and plan implementation than has occurred in the past. Application of the mitigation guidelines to all surface and other human presence disturbance activities concerning BLM-administered public lands and resources will provide more uniformity in mitigation than has occurred in the past.

MITIGATION GUIDELINES

1. SURFACE DISTURBANCE MITIGATION GUIDELINE

Surface disturbance will be prohibited in any of the following areas or conditions. Exception, waiver, or modification of this limitation may be approved in writing, including documented supporting analysis, by the Authorized Officer.

- a. Slopes in excess of 25 percent.
- b. Within important scenic areas (Class I and II Visual Resource Management Areas).
- c. Within 500 feet of surface water and/or riparian areas.
- d. Within either one-quarter mile or the visual horizon (whichever is closer) of historic trails.
- e. Construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur.

GUIDANCE

The intent of the SURFACE DISTURBANCE MITIGATION GUIDELINE is to inform interested parties (potential lessees, permittees, or operators) that when one or more of the five (1a through 1e) conditions exist, surface-disturbing activities will be prohibited unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation will occur prior to development.

Specific criteria (for example, 500 feet from water) have been established based upon the best information available. However, such items as geographical areas and seasons must be delineated at the field level.

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (for example, activity plans, plans of development, plans of operation, applications for permit to drill) and, if necessary, must allow for other mitigation to be applied on a site-specific basis.

2. WILDLIFE MITIGATION GUIDELINE

- a. To protect important big game winter habitat, activities or surface use will not be allowed from November 15 to April 30 within certain areas encompassed by the authorization. The same criteria apply to defined big game birthing areas from May 1 to June 30.

Application of this limitation to operation and maintenance of a developed project must be based on environmental analysis of the operational or production aspects.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

- b. To protect important raptor and/or sage and sharp-tailed grouse nesting habitat, activities or surface use will not be allowed from February 1 to July 31 within certain areas encompassed by the authorization. The same criteria apply to defined raptor and game bird winter concentration areas from November 15 to April 30.

Application of this limitation to operation and maintenance of a developed project must be based on environmental analysis of the operational or production aspects.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

- c. No activities or surface use will be allowed on that portion of the authorization area identified within (legal description) for the purpose of protecting (for example, sage/sharp-tailed grouse breeding grounds, and/or other species/activities) habitat.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

- d. Portions of the authorized use area legally described as (legal description), are known or suspected to be essential habitat for (name) which is a threatened or endangered species. Prior to conducting any onsite activities, the lessee/permittee will be required to conduct inventories or studies in accordance with BLM and U.S. Fish and Wildlife Service guidelines to verify the presence or absence of this species. In the event that (name) occurrence is identified, the lessee/permittee will be required to modify operational plans to include the protection requirements of this species and its habitat (for example, seasonal use restrictions, occupancy limitations, facility design modifications).

GUIDANCE

The WILDLIFE MITIGATION GUIDELINE is intended to provide two basic types of protection: seasonal restriction (2a and 2b) and prohibition of activities or surface use (2c). Item 2d is specific to situations involving threatened or endangered species. Legal descriptions will ultimately be required and should be measurable and legally definable. There are no minimum subdivision requirements at this time. The area delineated can and should be defined as necessary, based upon current biological data, prior to the time of processing an application and issuing the use authorization. The legal description must eventually become a part of the condition for approval of the permit, plan of development, and/or other use authorization.

bighorn sheep, all require protection of crucial winter range between November 15 and April 30. Elk and bighorn sheep also require protection from disturbance from May 1 to June 30, when they typically occupy distinct calving and lambing areas. Raptors include eagles, accipiters, falcons (peregrine, prairie, and merlin), buteos (ferruginous and Swainson's hawks), osprey, and burrowing owls. The raptors and sage and sharp-tailed grouse require nesting protection between February 1 and July 31. The same birds often require protection from disturbance from November 15 through April 30 while they occupy winter concentration areas.

Item 2c, the prohibition of activity or surface use, is intended for protection of specific wildlife habitat areas or values within the use area that cannot be protected by using seasonal restrictions. These areas or values must be factors that limit life-cycle activities (for example, sage grouse strutting grounds, known threatened and endangered species habitat).

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (for example, activity plans, plans of development, plans of operation, applications for permit to drill) and, if necessary, must allow for other mitigation to be applied on a site-specific basis.

3. CULTURAL RESOURCE MITIGATION GUIDELINE

When a proposed discretionary land use has potential for affecting the characteristics which qualify a cultural property for the National Register of Historic Places (National Register), mitigation will be considered. In accordance with Section 106 of the Historic Preservation Act, procedures specified in 36 CFR 800 will be used in consultation with the Wyoming State Historic Preservation Officer and the Advisory Council on Historic Preservation in arriving at determinations regarding the need and type of mitigation to be required.

GUIDANCE

The preferred strategy for treating potential adverse effects on cultural properties is "avoidance." If avoidance involves project relocation, the new project area may also require cultural resource inventory. If avoidance is imprudent or unfeasible, appropriate mitigation may include excavation (data recovery), stabilization, monitoring, protection barriers and signs, or other physical and administrative measures.

Reports documenting results of cultural resource inventory, evaluation, and the establishment of mitigation alternatives (if necessary) shall be written according to standards contained in BLM Manuals, the cultural resource permit stipulations, and in other policy issued by the BLM. These reports must provide sufficient information for Section 106 consultation. Reports shall be reviewed for adequacy by the appropriate BLM cultural resource specialist. If cultural properties on, or eligible for, the National Register are located within these areas of potential impact and cannot be avoided, the Authorized Officer shall begin the Section 106 consultation process in accordance with the procedures contained in 36 CFR 800.

Mitigation measures shall be implemented according to the mitigation plan approved by the BLM Authorized Officer. Such plans are usually prepared by the land use applicant according to BLM specifications. Mitigation plans will be reviewed as part of Section 106 consultation for National Register eligible or listed properties. The extent and nature of recommended mitigation shall be commensurate with the significance of the cultural resource involved and the anticipated extent of

damage. Reasonable costs for mitigation will be borne by the land use applicant. Mitigation must be cost effective and realistic. It must consider project requirements and limitations, input from concerned parties, and be BLM approved or BLM formulated.

Mitigation of paleontological and natural history sites will be treated on a case-by-case basis. Factors such as site significance, economics, safety, and project urgency must be taken into account when making a decision to mitigate. Authority to protect (through mitigation) such values is provided for in FLPMA, Section 102(a)(8). When avoidance is not possible, appropriate mitigation may include excavation (data recovery), stabilization, monitoring, protection barriers and signs, or other physical and administrative protection measures.

4. SPECIAL RESOURCE MITIGATION GUIDELINE

To protect (resource value), activities or surface use will not be allowed (that is, within a specific distance of the resource value or between date to date) in (legal description).

Application of this limitation to operation and maintenance of a developed project must be based on environmental analysis of the operational or production aspects.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

Example Resource Categories (Select or identify category and specific resource value):

- a. Recreation areas.
- b. Special natural history or paleontological features.
- c. Special management areas.
- d. Sections of major rivers.
- e. Prior existing rights-of-way.
- f. Occupied dwellings.
- g. Other (specify).

GUIDANCE

The SPECIAL RESOURCE MITIGATION GUIDELINE is intended for use only in site-specific situations where one of the first three general mitigation guidelines will not adequately address the concern. The resource value, location, and specific restrictions must be clearly identified. A detailed plan addressing specific mitigation and special restrictions will be required prior to disturbance or development and will become a condition for approval of the permit, plan of development, or other use authorization.

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (for example, activity plans, plans of development, plans

of operation, applications for permit to drill) and, if necessary, must allow for other mitigation to be applied on a site-specific basis.

5. NO SURFACE OCCUPANCY GUIDELINE

No Surface Occupancy will be allowed on the following described lands (legal description) because of (resource value).

Example Resource Categories (Select or identify category and specific resource value):

- a. Recreation Areas (for example, campgrounds, historic trails, national monuments).
- b. Major reservoirs/dams.
- c. Special management area (for example, known threatened or endangered species habitat, areas suitable for consideration for wild and scenic rivers designation).
- d. Other (specify).

GUIDANCE

The NO SURFACE OCCUPANCY (NSO) MITIGATION GUIDELINE is intended for use only when other mitigation is determined insufficient to adequately protect the public interest and is the only alternative to "no development" or "no leasing." The legal description and resource value of concern must be identified and be tied to an NSO land use planning decision.

Waiver of, or exception(s) to, the NSO requirement will be subject to the same test used to initially justify its imposition. If, upon evaluation of a site-specific proposal, it is found that less restrictive mitigation would adequately protect the public interest or value of concern, then a waiver or exception to the NSO requirement is possible. The record must show that because conditions or uses have changed, less restrictive requirements will protect the public interest. An environmental analysis must be conducted and documented (for example, environmental assessment, environmental impact statement, etc., as necessary) in order to provide the basis for a waiver or exception to an NSO planning decision. Modification of the NSO requirement will pertain only to refinement or correction of the location(s) to which it applied. If the waiver, exception, or modification is found to be consistent with the intent of the planning decision, it may be granted. If found inconsistent with the intent of the planning decision, a plan amendment would be required before the waiver, exception, or modification could be granted.

When considering the "no development" or "no leasing" option, a rigorous test must be met and fully documented in the record. This test must be based upon stringent standards described in the land use planning document. Since rejection of all development rights is more severe than the most restrictive mitigation requirement, the record must show that consideration was given to development subject to reasonable mitigation, including "no surface occupancy." The record must also show that other mitigation was determined to be insufficient to adequately protect the public interest. A "no development" or "no leasing" decision should not be made solely because it appears that conventional methods of development would be unfeasible, especially where an NSO restriction may be acceptable to a potential permittee. In such cases, the potential permittee should have the opportunity to decide whether or not to go ahead with the proposal (or accept the use authorization), recognizing that an NSO restriction is involved.

APPENDIX 3

LANDS AND REALTY

POSSIBLE LANDOWNERSHIP ADJUSTMENTS

Introduction

Possible transfer of lands by disposal or acquisition would be considered individually. Generally, acquisition of lands by the BLM would be accomplished by exchange. Disposal could be accomplished by public sale, R&PP patent, exchange, or desert land patent.

Review Process

No landownership adjustments would be implemented without a feasibility study, site-specific environmental analyses, and a determination that the transfer is in the public interest. Lands in certain categories would not be considered for disposal.

Land Disposal Criteria

Lands Not to be Disposed

- ▶ Lands withdrawn from operation of the public land laws or segregated pending withdrawal.
- ▶ Lands in wilderness study areas.
- ▶ Lands with mining claims of record under section 314 of FLPMA unless BLM policy is changed in the future to allow for their disposal.

Lands Not Eligible for Desert Land Entry

- ▶ Lands that are mineral in character.
- ▶ Lands segregated from entry by withdrawal or Secretarial Order.
- ▶ Lands where the water source has been fully appropriated.
- ▶ Lands where less than one-eighth of any particular parcel can be irrigated.

Other Factors to be Considered

The following conditions would be evaluated during the review process of any category of land disposal, exchange, or acquisition. For desert land applications that have not been classified as

suitable for entry by BLM, applicants would be responsible for providing a soil survey, a hazardous material phase I survey, a threatened or endangered species inventory, and a cultural resource survey. The degree to which any of these conditions apply to a proposed landownership adjustment may or may not make the lands suitable for disposal or acquisition.

- ▶ Mineral values.
- ▶ Location of the lands in relation to ACECs, protective withdrawals, or other areas of special management emphasis, including VRM Class I and II areas.
- ▶ Lands with use by listed T&E species, candidate species, or other special status species.
- ▶ Whether the lands are in approved management plan areas; for example, those covered by an AMP or HMP.
- ▶ High value wildlife habitat including wetlands and floodplains.
- ▶ Historic properties, significant paleontological sites, or Native American religious sites.

BLM WITHDRAWALS

Existing BLM stock driveway withdrawals and a power site classification comprising 1,882.09 acres would be retained and the lands would remain closed to surface entry and mining.

The following legal descriptions are for Stock Driveway Withdrawal No. 51 on the Chapman Bench portion of the restored lands established by Secretarial Order dated September 15, 1950.

Sixth Principal Meridian

T. 55 N., R. 102 W.

sec 4, Lots 6, S1/2NE1/4, E1/2SE1/4

sec 9, E1/2NE1/4

T. 56 N., R. 102 W.

sec. 33, lot 3, SW1/4SE1/4

Tracts 146, 147, 148, 149, 150, 162, 179, 189, 204, 213, 230, 243, 255, 267, 274, 287, 297, 307, 321, and 324.

For a total of 1,165.99 acres.

The following legal descriptions are for Stock Driveway Withdrawal No. 44 on the YU Bench portion of the restored lands established by Secretarial Order dated August 30, 1945.

Sixth Principal Meridian

T. 52 N., R. 101 W.

sec. 6, lot 1, lot 2, lot 3;

sec. 7, lot 2, lot 3, E1/2NW1/4;

sec. 29, E1/2E1/2.

T. 52 N., R. 102 W.,

sec. 1, SE1/4SE1/4, S1/2NE1/4SE1/4;

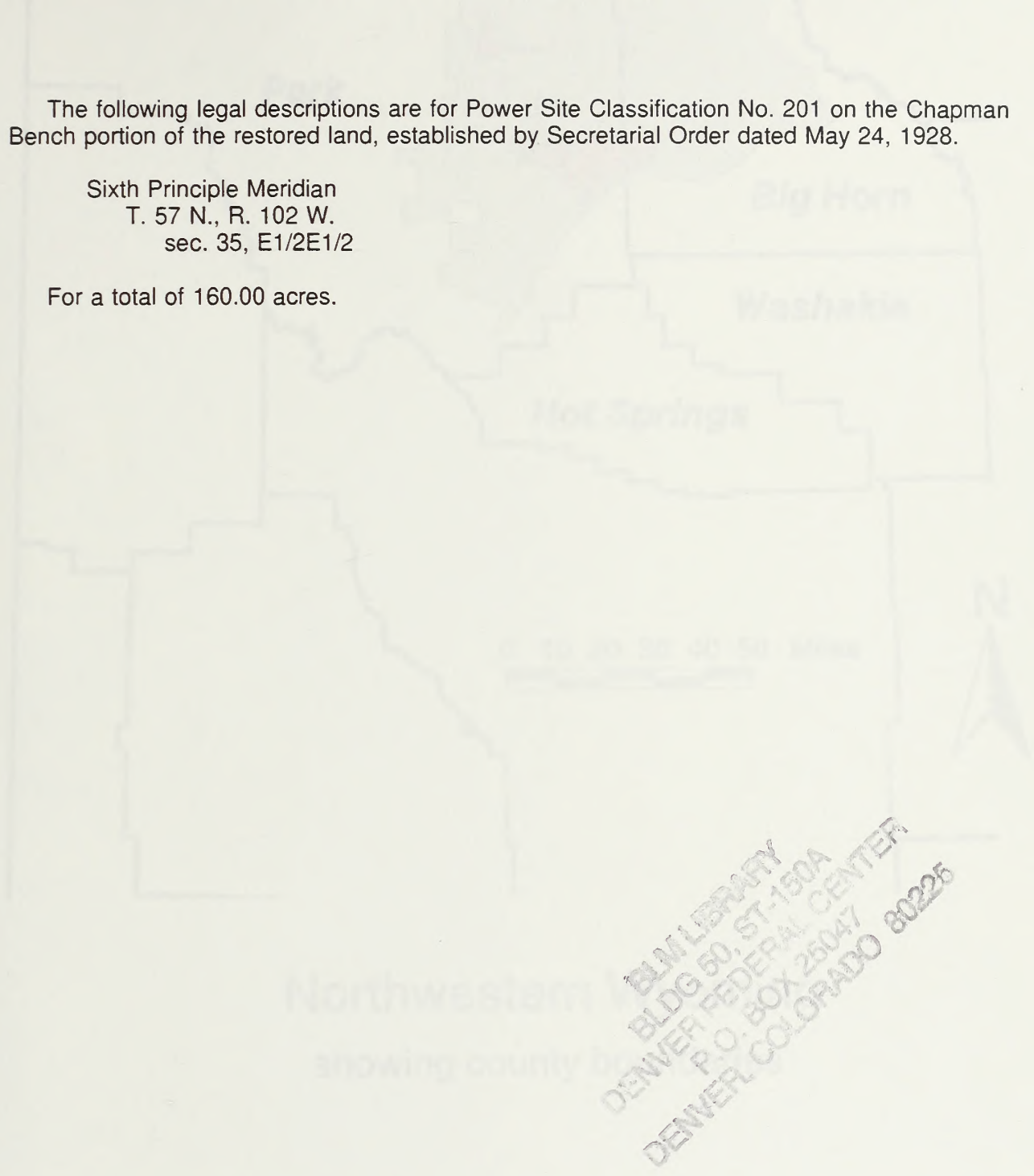
sec. 12, E1/2NE1/4.

For a total of 556.10 acres.

The following legal descriptions are for Power Site Classification No. 201 on the Chapman Bench portion of the restored land, established by Secretarial Order dated May 24, 1928.

Sixth Principle Meridian
T. 57 N., R. 102 W.
sec. 35, E1/2E1/2

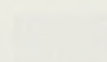
For a total of 160.00 acres.

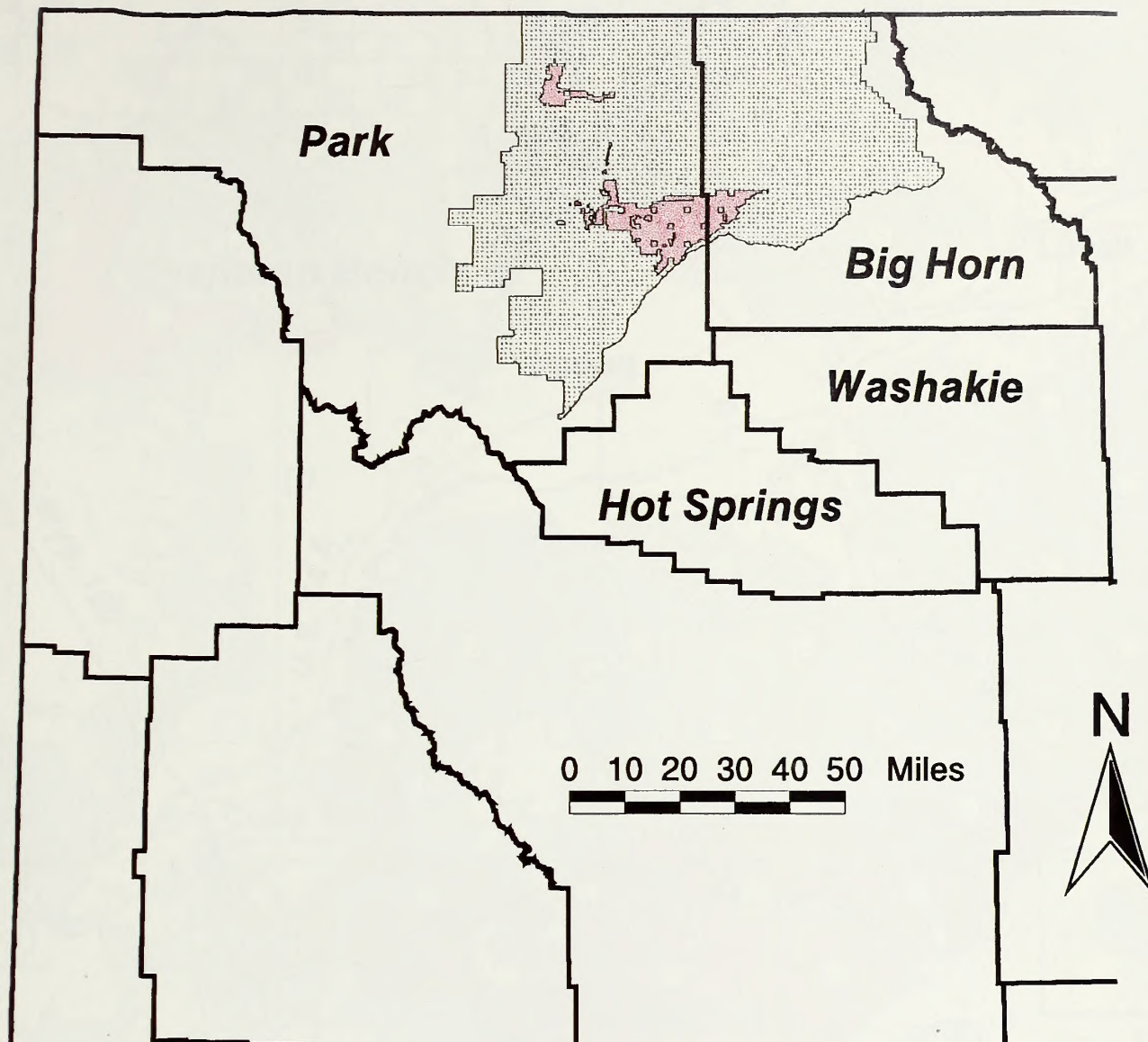


Northwestern
showing county by

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Map 1 - Location

-  Restored Lands
-  Cody Field Office Administrative Area



Northwestern Wyoming showing county boundaries

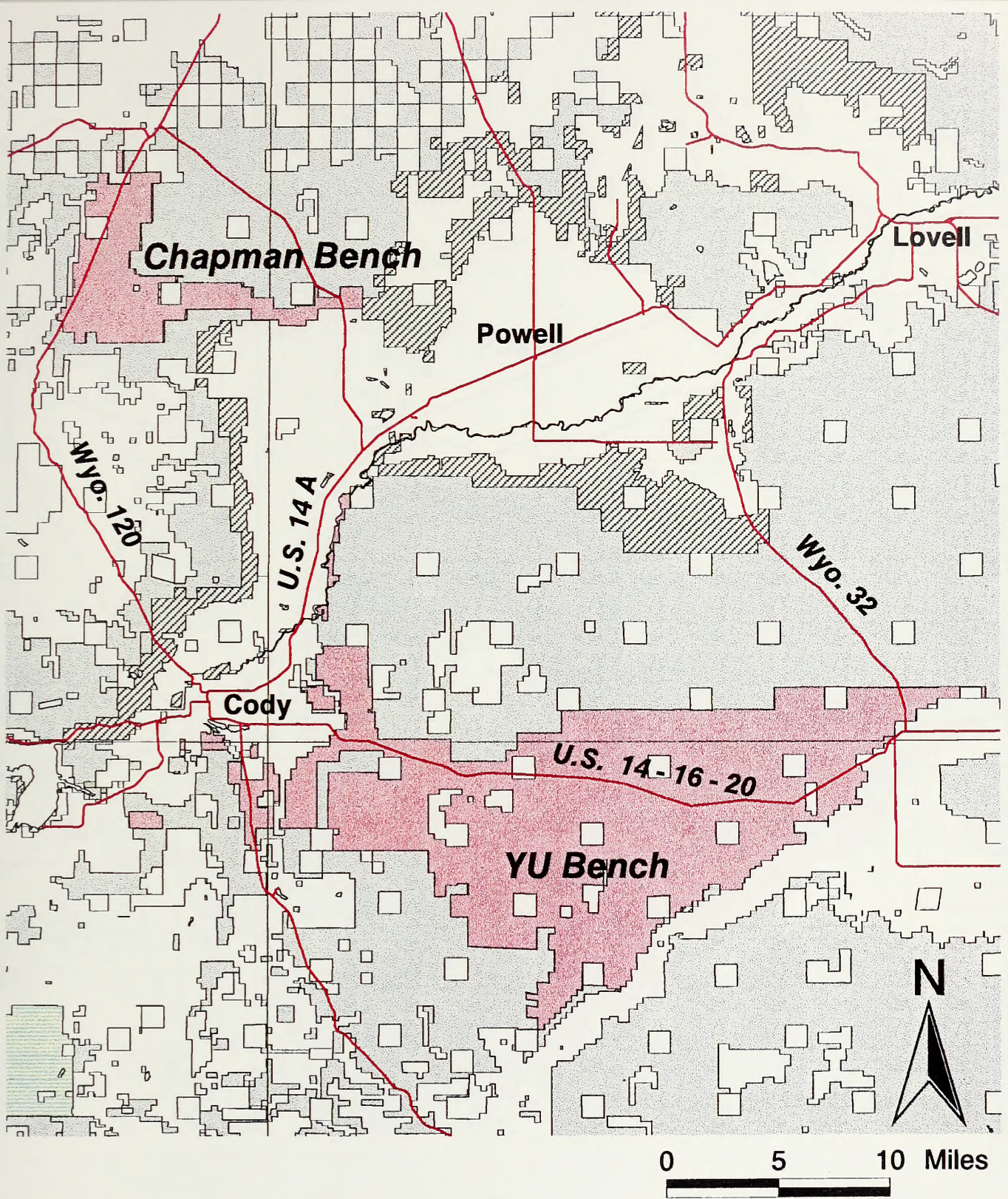
Map 1 - Location



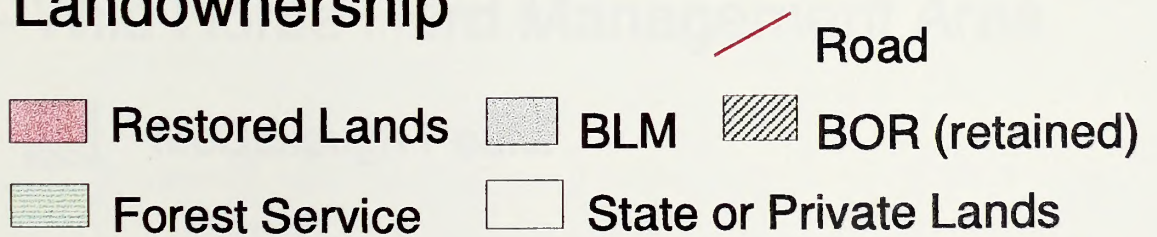
Restored Lands

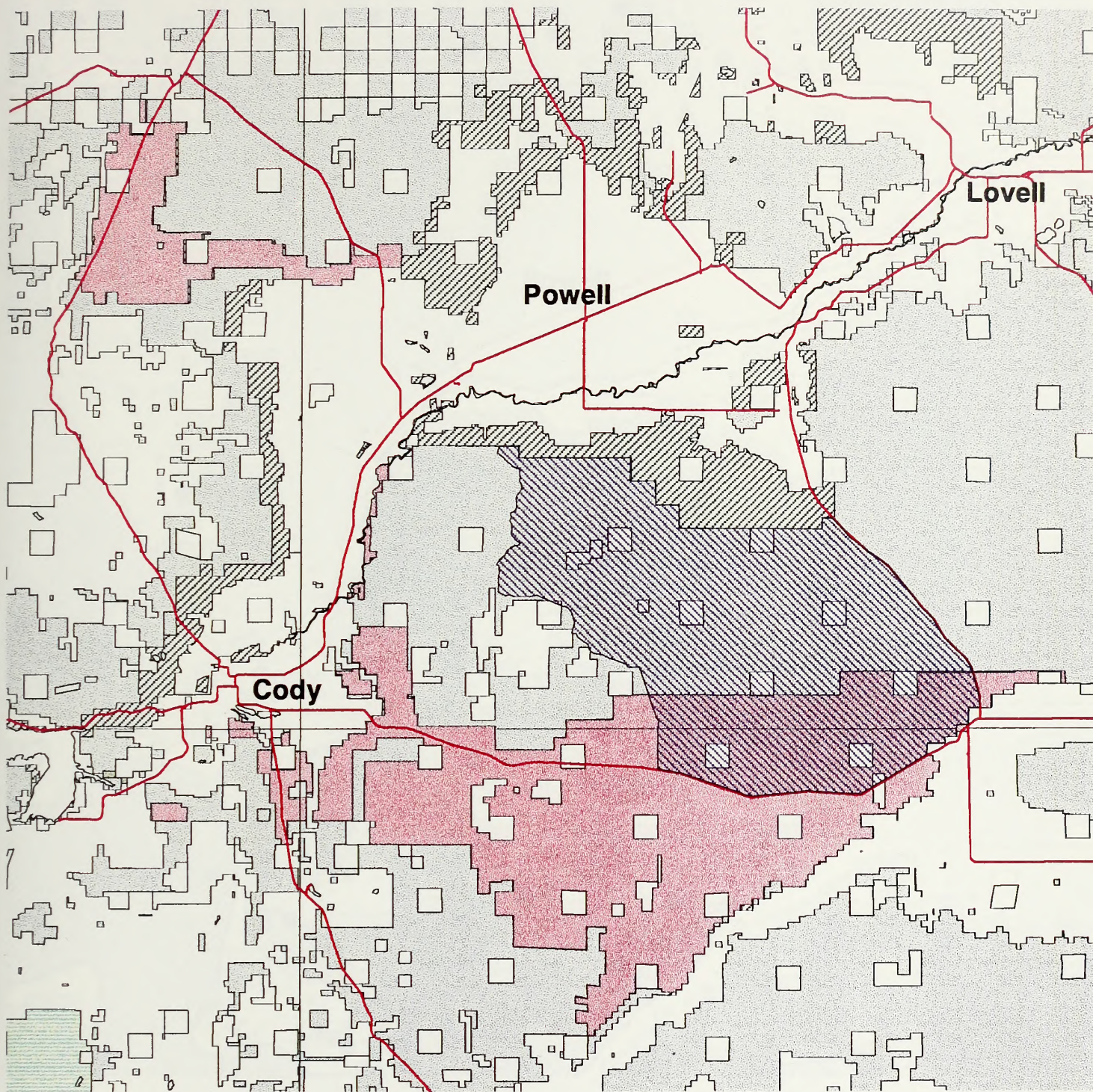


Cody Field Office Administrative Area



Map 2 - Landownership

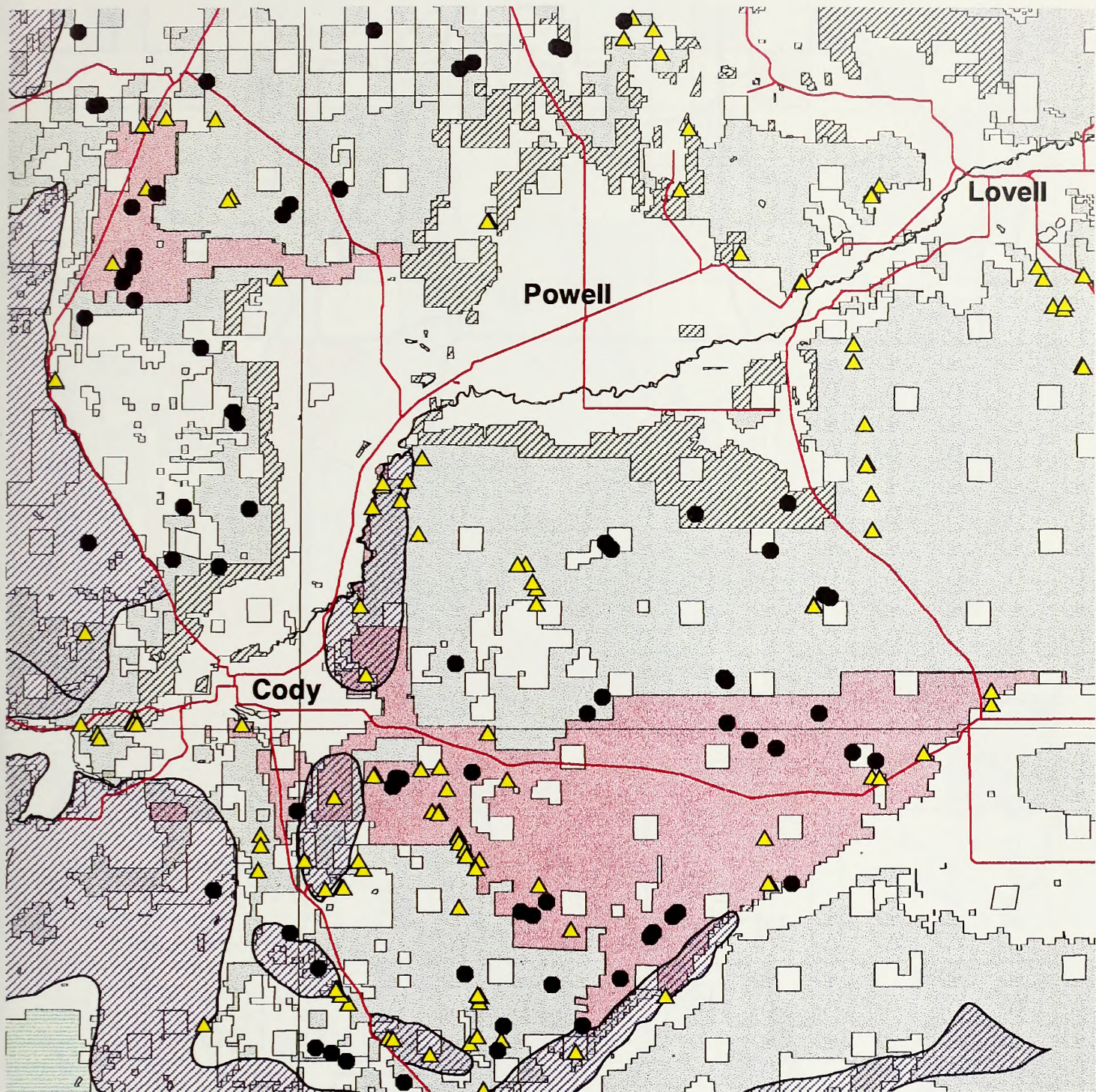




Map 3 - Wild Horse Herd Management Area

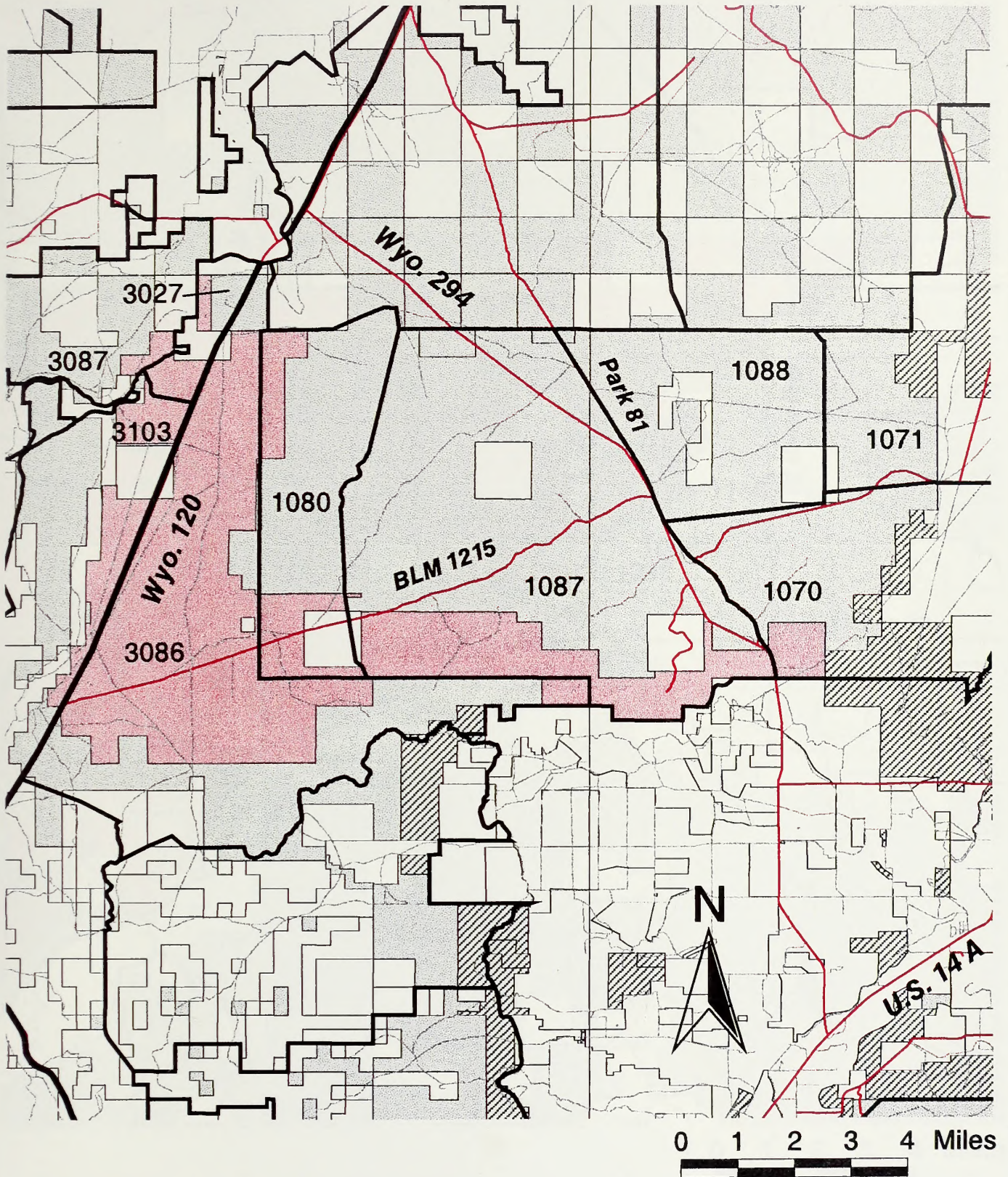


McCullough Peaks



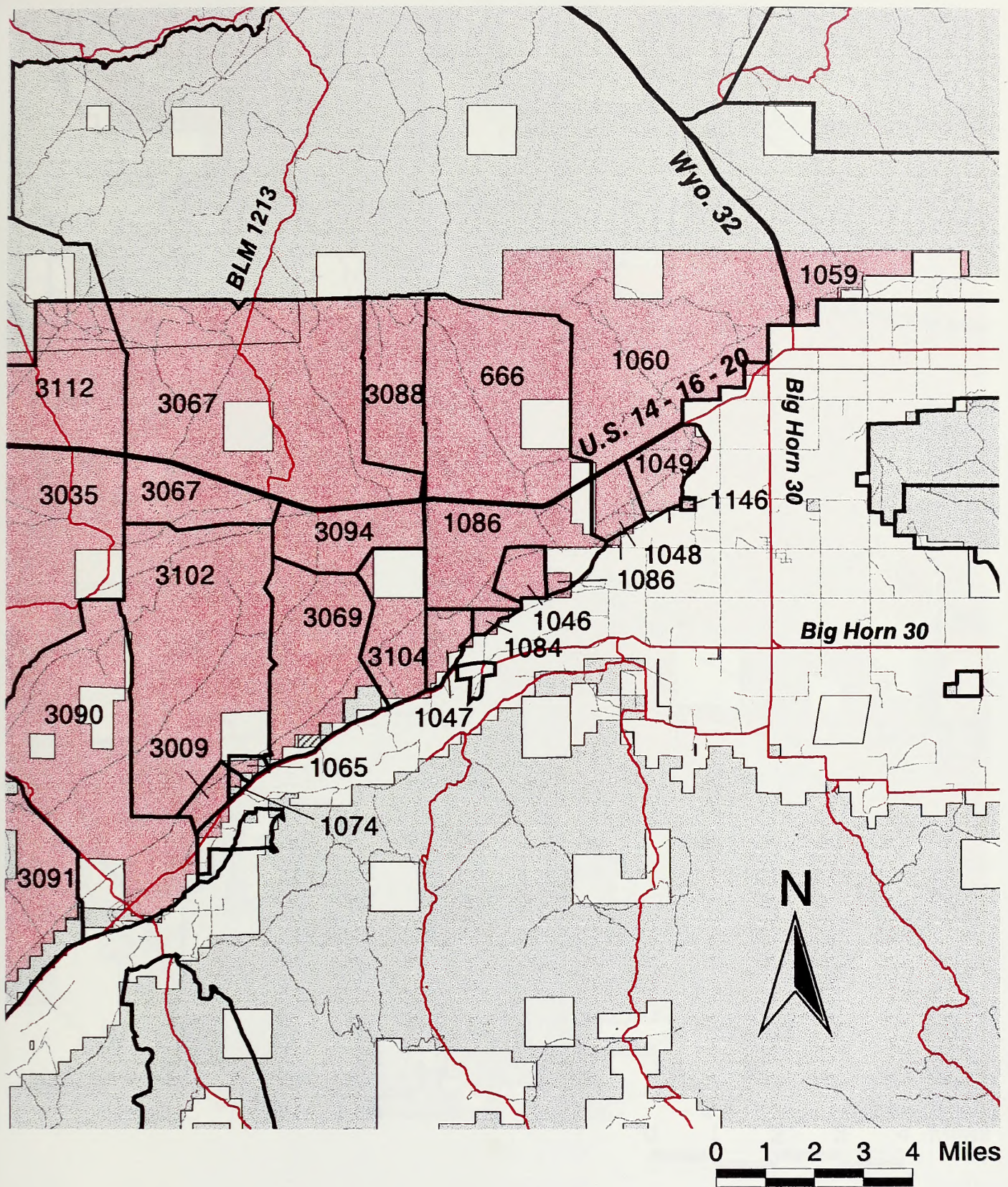
Map 4 - Wildlife Habitat

- Sage Grouse Lek
- ▲ Raptor Nest
- ▨ Mule Deer Crucial Winter Habitat



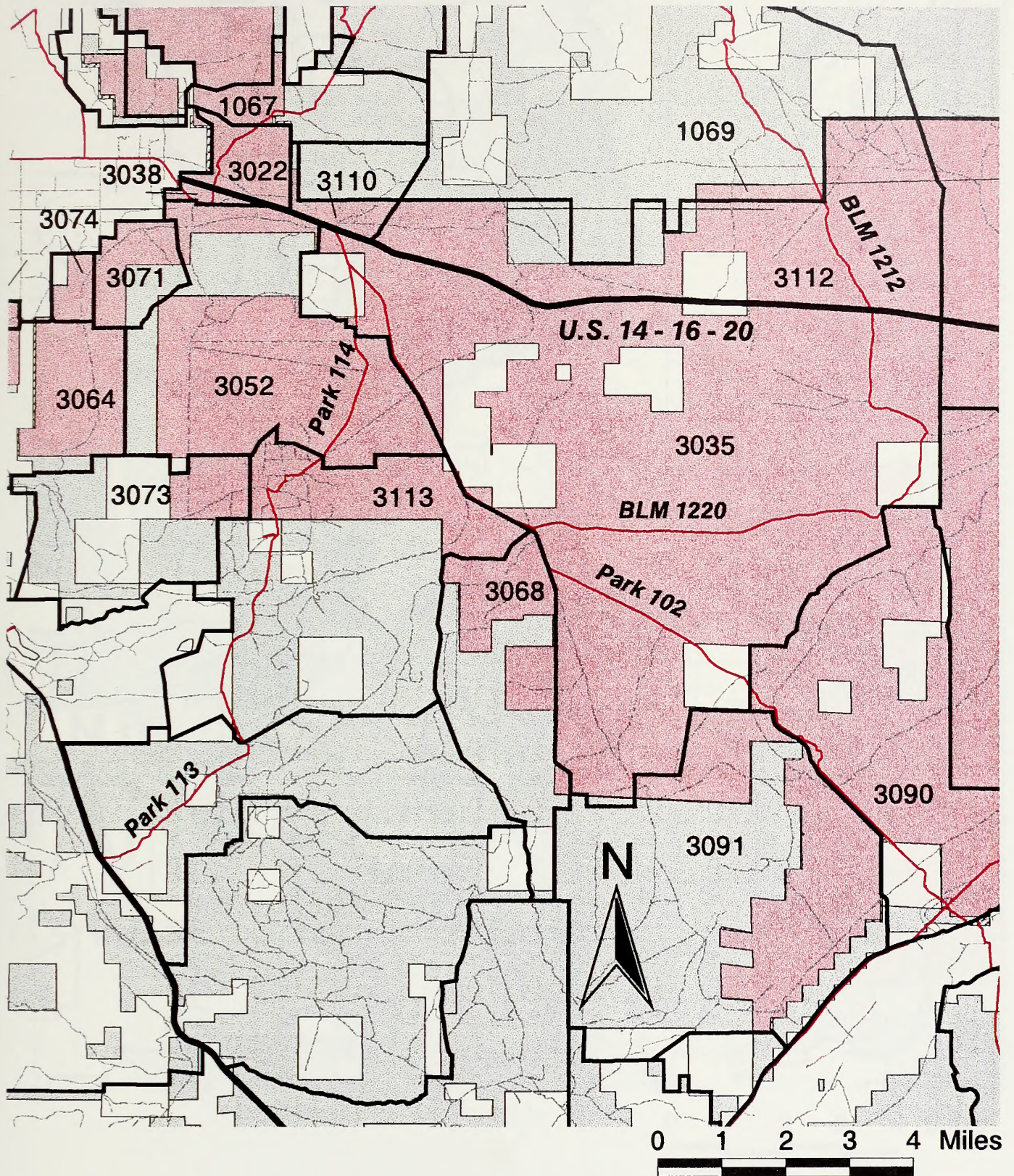
Map 5 - Chapman Bench Grazing Allotments,
Roads, and Trails

3086 Allotment Boundary and Number



Map 6 - YU Bench Grazing Allotments, Roads, and Trails, Eastern Half

1086 Allotment Boundary and Number



Map 7 - YU Bench Grazing Allotments, Roads, and Trails, Western Half

3052

Allotment Boundary and Number



1073 Allotment Boundary and Number

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